

Regulating Small Arms

The Role of NGOs and Private Companies in Negotiating an International Action Framework

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PREFACE

Is it possible to control the trade and misuse of one of the most widely used weapons through international cooperation? This is not only the fundamental question that attracted my interest to the small arms issue, but it also guided the UN Small Arms Conference that took place between 9 and 20 July 2001 in New York. Much has been written about the deadly consequences of the use of weapons of mass destruction, i.e. nuclear, chemical and biological weapons, but it gets too easily forgotten that the real weapons of mass destruction – on a slow but constant pace – are small arms and light weapons. The Geneva-based and Swiss government sponsored Small Arms Survey estimates that annually at least 200,000 deaths occur from homicide and suicide in the industrialized world alone, and that more than 300,000 people are killed during armed conflicts in developing countries.

I have started to become interested in the small arms and light weapons topic, when I participated in a larger research project in which we analyzed Switzerland's foreign and security policy after the end of the Cold War. Arms Control in general and small arms policy in particular are domains where Switzerland can provide specific inputs due to its expertise and niche-position. My initial research interest grew steadily and expanded into the international arena in the following years. While I spent one year as a visiting researcher at Georgetown University, I could attend the preparatory activities and the actual UN 2001 Small Arms Conference in New York. Even though the Conference had a very broad approach by bringing the small arms problem 'in all its aspects' on the negotiation table, I focused on a particular aspect of the whole small arms issue: the role and impact of non-state actors. Given the primacy of states in security affairs, it is quite astonishing which role non-state actors play in the whole process. This influence cannot only be revealed by the number of attending non-governmental organizations and industry lobby groups – however impressive 119 registered organizations might be – but also by showing the specific contribution to the negotiated outcome.

Preface

The aim of this book is to show the specific impact of non-state actors. I hope that it helps deepen the knowledge and understanding of academics, government officials and NGO activists by exploring the impact of NGOs and private company in a complex negotiation context. More specifically, it shows that there is not only room at the negotiation table for nation states, but that also non-state actors can provide important contributions in the problem solving process. But in the end, it is up to the states to live up to their responsibility – for their societies and the whole international community.

Various people have made this dissertation possible. First and foremost I am indebted to a good friend and colleague, Kenneth Rutherford, Co-Founder of Landmine Survivor Network, Assistant Professor and Coordinator of Landmine Studies at the Southwest Missouri State University (SMSU), Springfield, USA. He truly influenced and encouraged my work on this topical issue. My longstanding teachers, Thomas Bernauer und Dieter Ruloff, Professors at the Center for Comparative and International Studies (CIS) of the Federal School of Technology, Zurich, and the University of Zurich, respectively, also deserve special credit. They provided a stimulating research and working environment. During my research stay in Georgetown, I profited from the very inspiring academic environment and the ‘open door policy’ of the Department of Government’s faculty and graduate students. I would particularly like to thank George Shambaugh who not only shared one of his office walls with me, but also provided valuable input for my various research activities. Joseph Lepgold, who was my mentor at Georgetown, was very helpful with his thought-provoking and intriguing comments. Unfortunately, he died in a hotel fire in Paris in late 2001 shortly before he planned to visit the CIS in January 2002.

Earlier versions and parts of this publication have been presented at various Political Sciences conferences and in research panels. I would like to thank the participants for their valuable comments and inputs. I particularly want to thank Robert Lieber and Morten Mærli, panel discussant and participant, respectively, at the 2001 International Studies Association (ISA) conference in Chicago; Richard Matthew as panel discussant at the 2001 American Political Science Association (APSA) conference in San Francisco; Ed Laurance, Director of the Program for Arms Control, Disarmament, and Conversion at the Monterey Institute of International Studies, as panel discussant, Keith Krause, Programme Director of the Small Arms Survey in Geneva, Suzette Grillot, and Cassady Craft as participants at the 2002 ISA conference in New Orleans.

Preface

I am grateful to Lars Held for his support in finalizing the editing work of the original dissertation. Especially, I would like to thank my parents for their long-time support. Last, but not least, I would like to express my gratitude to my wife Sandra for her continued encouragement and support. She deserves great credit that I kept up pace and finished this dissertation. However, all the persons mentioned – and unmentioned – are not responsible for any flawed arguments or conclusions of this research. But I think that they helped me to reduce many weaknesses that existed before.

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Stefan M. Brem

1 INTRODUCTION

*All too often it is small arms, rather than the weapons systems targeted by disarmament efforts, that cause the greatest bloodshed today. In the hands of terrorists, criminals and the irregular militia and armed bands typical of internal conflict, these are the true weapons of mass terror.*¹

—Lloyd Axworthy, Canadian Foreign Minister,
Speech at the UN General Assembly,
September 25, 1997.

In this chapter I develop the intuition that innovative partnerships between non-governmental organizations (NGOs) and middle power states can vigorously and, at times, very effectively address an expanding set of transnational and global challenges. In making this argument, I elaborate this intuition and apply it to the issue of small arms regulation. These ideas about the relationships between state and non-state actors have gained considerable acceptance in the field of international relations in the past decade.² In 1990, James Rosenau articulated these ideas clearly, and influentially, in his study, *Turbulence in World Politics: A Theory of Change and Continuity*. In his publication, Rosenau makes three related arguments:

One involves the present era as a historical breakpoint. The second concerns a bifurcation of macro global structures into what is called the two worlds of

¹ Speech by Canadian Foreign Minister Axworthy, UN General Assembly, September 25, 1997. <http://www.un.int/canada/html/s-25sepe.htm>, last checked December 2004.

² See, for example, James N. Rosenau and Ernst-Otto Czempiel, eds., 1992, *Governance without Government: Order and Change in World Politics*. Cambridge: Cambridge University Press; Paul Wapner, 1996, *Environmental Activism and World Civic Politics*, New York: SUNY Press; Stefan Brem, Ken Rutherford and Richard Matthew, eds., 2003, *Reframing the Agenda: The Impact of NGO and Middle Power Cooperation in International Security Policy*. Westport, CT: Praeger Publishers.

world politics. The third focuses on the micro level and the hypothesis that the analytical and emotional skills of adults in every country are increasing.³

Rosenau elaborates upon each of these ideas and concludes with a description of four scenarios of possible futures for world politics: 1) states and non-state actors (NSAs) merge into a global society with shared norms;⁴ 2) states regain the upper hand insofar as the distribution of power is concerned resulting in a restored state-system; 3) NSAs become predominant producing a pluralist world; or 4) the struggle between states and NSAs continues, a condition Rosenau terms 'enduring bifurcation' (Rosenau 1990, 447).

Two of these scenarios are of special relevance to this dissertation. The first, which Rosenau refers to as the Global-Society Scenario, assumes that forms of interdependence between the state and non-state worlds will deepen and widen to the point where explicit ties develop that bind communities together. These ties derive from aspirations, procedural norms, and loyalties that are globally shared (Rosenau 1990, 446). In this scenario, states and non-state actors are politically autonomous, but agree to respect and act in accordance with a rich framework of shared values and practices.

The counterpart to global-society is the condition of enduring bifurcation. In this scenario, the clashes between centralizing and decentralizing dynamics will not be resolved. As a result neither the state-centric nor the multi-centric world loses its autonomy and becomes subordinate to the other (Rosenau 1990, 453). Nor do the two worlds agree to operate within the framework of a shared system of values and norms. Although both types of actors comply on some transnational issues, on many others they act independently of, and at times in opposition to, each other (Rosenau 1990, 447).

Given the historical conditioning of the state, it is hard to imagine that it would willingly share political space, including power, authority and legitimacy, with non-state actors, and then develop a regulatory framework on equal terms with them. At the same time, as Rosenau's third general argument suggests very strongly, a skills revolution has taken place that cannot be reversed.⁵ It has had the effect of empowering non-state actors, allowing them to form extensive transnational networks, and giving them the upper hand on some global

³ James N. Rosenau, 1990, *Turbulence in World Politics: A Theory of Change and Continuity* Princeton: Princeton University Press, 5.

⁴ This dissertation focuses on non-governmental organizations, a type of non-state actor (NSA) composed of a group of people working within the context of a defined structure, identity and purpose.

⁵ See Rosenau 1990, chapters 12 and 13.

issues. They are a force to be reckoned with. Hence one might conclude that Rosenau's arguments imply a preference for the enduring bifurcation scenario.

This dissertation suggests another way of thinking about the interaction between the two spheres of world politics. I suggest that a hybrid of Rosenau's scenarios one and two may actually be evolving. In this case, a global framework of values and norms has not been accepted by all states and non-state actors, and does not seem to be taking shape. In fact, superpowers such as the United States and great powers such as China have been highly resistant to any reinterpretation of sovereignty or any generalized legitimization of the non-state realm (scenario 2). At the same time, the interaction between states and non-states is not well-captured by the notion of enduring bifurcation. This is because extensive forms of cooperation within the context of a shared value framework are taking place between some states such as Switzerland as well as others on the one hand and the non-state world on the other hand (scenario 1). Specifically, *I refer to states as middle powers who are developing beyond their strained historic role as henchmen of the great powers on the one hand and as referees of peace and justice on the other hand, and are entering creative high-impact partnerships with powerful coalitions of non-state actors.* This is especially visible in specific areas of the security realm, which are examined in detail in this thesis.

I believe this partnership embodies many implications for the future of world politics. The extensive resources and powerful ambitions that Rosenau observed in the non-state world are being fused to the legitimacy, authority and institutional core of the state world through the good offices of middle powers.

There are several reasons for this. Middle powers are the ones that experience great internal and external pressure to do something when the non-state realm mobilizes an effective transnational campaign, as it has done in the cases of landmines, International Criminal Court and child soldiers. Middle powers have a legacy of moral stewardship in the global arena. Therefore, to correspond with their own identities they cannot ignore compelling arguments about moral failures. They also have a legacy as mediators in world affairs. Today, they recognize that there are pressing global issues that great powers are refusing to address. The middle powers appreciate that in a divided world in which serious global problems are not being solved, they have an opportunity and perhaps an obligation to serve as interlocutors between states and non-state actors in ways that solidify their international position, are lauded by transnational actors, and may even bring real improvements to the security and welfare of people at home and abroad. In short, for a variety of reasons, middle power states

are motivated, capable, and historically primed to play this important role as enablers, supporters and facilitators of global problem-solving.⁶

Unfortunately, the dominance of great power identity of the academic field of international relations has historically sidelined the study of middle powers. I believe that just as more and more attention has been focused on the significance of the non-state world over the past few decades, leading to a far richer analysis of the general character of world politics, it is important also to reconsider familiar arguments about middle powers that depict them as wholly bound to the goals and preferences of great powers except in areas that are largely trivial from the perspectives of security and economics. To the contrary, I contend that middle powers, in alliance with non-state actors, are playing roles in the security realm that are gaining momentum and altering the very nature of world affairs.

To demonstrate the validity and value of the argument outlined above, and to further develop and clarify it, I examine a series of different aspects of the small arms problems, basically focusing on the process that led to the 2001 UN Small Arms Conference. By analyzing these different aspects, I try to explain where and why great powers and superpowers have not acted to neutralize these urgent global threats; why middle power-NGO partnerships have emerged to fill this void; how they have acted to change values, attitudes and behavior; and what measurable successes they have had. In doing so, I will bring together insights from two vibrant literatures that, since the 1970s, have developed largely independently of each other. Weaving together themes and concepts from both the scholarship on NGOs and the scholarship on middle powers, I will contribute towards understanding an important contemporary phenomenon.

In the remainder of this introductory chapter I will:

- briefly review key concepts and insights in the literatures on middle powers and NGOs that have provided the theoretical foundation for this research; and
- summarize each of the chapters.

Middle Powers

Theories of world politics have not, for the most part, been very generous towards countries that are neither great powers nor superpowers. Indeed, the world described by such influential

⁶ See also Stefan Brem, 2001, "Middle Powers Tackling Big Problems: New Coalitions to Control Trade in and Misuse of Small Arms and Light Weapons?" Paper prepared for the APSA Annual Meeting. San Francisco, CA, 29 August – 2 September, 2001.

realist thinkers as Hans Morgenthau, Kenneth Waltz, Robert Gilpin, Stephen Walt, and John Mearsheimer is shaped mainly by the preferences of great powers and superpowers acting under conditions of anarchy.⁷ Such states have little incentive to accept constraints on their behavior. Therefore they are generally resistant to international law and many forms of multilateralism if they see them as constraints.⁸ Self-interest, concerns about relative power and position are among the prominent forces that together create a world in which there is little basis for optimism about the prospects for peace, justice or even reliable, concerted action to tackle complex global issues such as poverty, small arms, nuclear weapons or climate change.⁹ In such a world, realists suggest, middle powers are well-advised to adapt their foreign policies to the preferences of the great powers, and to limit their independent initiatives to areas of minor significance.

Variants of realist theory do imply that some distributions of power across states may provide more opportunities for middle power activity than others. For example, the logic of structural realism suggests that in a multipolar world middle powers might be able to use allegiance as an effective bargaining chip. In the bipolar world of the Cold War era, however, most middle powers would be expected to toe the line behind one or the other superpowers at best, allegiance could be negotiated once. In a system dominated by a single superpower, as is currently the case, bargaining leverage might be expected to disappear, but refusing to toe the line might not have dire consequences, but rather opening up some areas for independent action. Ultimately, however, from a realist perspective, the net impact of middle powers on the character and politics of any anarchic world system is likely to be small.

The school of liberal theories associated with scholars such as Michael Doyle, Robert Keohane and John Ruggie is more receptive to the possibilities of pluralism and multilateralism in world affairs, and hence to significant political roles for middle powers.¹⁰

⁷ Hans Morgenthau, 1973, *Politics Among Nations: The Struggle for Power and Peace*, New York: Knopf; Kenneth Waltz, 1959, *Man, the State, and War*, New York: Columbia University Press; Robert Gilpin, 1986, *War and Change in World Politics*, Cambridge: Cambridge University Press; Stephen Walt, 1996, *Revolution and War*, Cornell: Cornell University Press; John Mearsheimer, 2001, *The Tragedy of Great Power Politics*, New York/London: W.W. Norton & Company.

⁸ Joseph M. Grieco, 1988, "Anarchy and the Limits of International Cooperation: A Realist Critique of the Newest Liberal Institutionalism," *International Organization*, 42(3), Summer, 485-507.

⁹ See, for example, Robert Kaplan, 2001, *The Coming Anarchy: Shattering the Dreams of the Post Cold War*, Vintage; and Samuel Huntington, 1998, *The Clash of Civilizations and the Remaking of World Order*, New York: Touchstone.

¹⁰ Michael Doyle, 1986, "Liberalism and World Politics," *American Political Science Review* 80(4), 1151-1169; Robert Keohane, and Joseph Nye, 1977, *Power and Interdependence: World Politics in Transition*, Boston: Little, Brown; John Ruggie, ed., 1993, *Multilateralism Matters: The Theory and Praxis of an Institutional Form*, New York: Columbia University Press.

But while liberal theories create more space for middle powers, this has not inspired many scholars to explore this space. The literature on middle powers is the product of a handful of researchers, predominantly from Australia, Canada, and Scandinavian countries. It has not had much impact on thinking in the field of international relations as a whole, although it has been a persistent perspective since the 1960s.

But before assessing the utility of the concept of middle powers, it needs to be explained in greater detail. For while the term middle power is evocative, it is also imprecise. It may evoke general images of mediocrity (middle of the road), playing it safe (middle course of action) or centrality (right in the middle of things). It does not, however, immediately suggest a set of states identified by simple, measurable criteria such as population, size and GDP. In the literature on middle powers one finds that, while the label is not used with complete consistency, it nonetheless conveys a distinctive perspective. It is a perspective that cannot, however, readily be reduced to an empirical measure. Canada's Global Security Institute captures this perspective well in describing its new Middle Power Initiative: "Middle powers are countries that are politically and economically significant, internationally respected countries that have renounced the nuclear arms race, a standing that gives them significant political credibility."¹¹ The ideas that middle powers are significant in world politics and respected by other states echo throughout the literature, although little effort has been made to define significance or respect.

Within the discipline of international relations, the concept of middle power received its most important early treatments in the work of Jon McLin, Annette Baker Fox and Carsten Holbraad, whose analysis of middle power/great power relations is often acknowledged as foundational by contemporary scholars.¹² In those studies we find preliminary arguments about which states qualify as middle powers and suggestions that these states have distinctive roles in the international system by virtue of their special ties to principal powers, and especially to the United States. Holbraad (1984: 125) describes them as the supporters and lieutenants of the great powers, and also as countries that occasionally are able to play an important mediating role in world affairs.

¹¹ Information on the Middle Power Initiative can be found at <<http://www.gsinitiative.org/mpi/>>.

¹² Jon B. McLin, 1967, *Canada's Changing Defense Policy, 1957-1963: The Problems of a Middle Power in Alliance*, Baltimore: Johns Hopkins University Press; Annette Baker Fox, 1977, *The Politics of Attraction: Four Middle Powers and the United States*, New York: Columbia University Press; and Carsten Holbraad, 1984, *Middle Powers in International Politics*, London: Macmillan.

Throughout the 1980s and 1990s, the concept and implications of middle powers were discussed primarily by scholars from middle powers. During this period, middle powers were widely portrayed as good international citizens with the resources and motivation to focus on complex global issues such as persistent conflicts and poverty in the third world.¹³ In their well regarded study, Andrew Cooper, Richard Higgott and Kim Nossal brought greater conceptual clarity to this literature by arguing that middle powers share several distinctive features. In particular, they tend to pursue multilateral solutions to international problems, embrace compromise positions in international disputes, and embrace notions of good international citizenship.¹⁴ More recently, Cooper has edited a volume that explores the niches in the world system that middle powers can and do fill, largely with the objective of making the world a better place.¹⁵ As the concept of middle power has attracted attention in the field, various scholars have suggested candidates for middle power status, including Sweden, Norway, Denmark, the Netherlands, South Africa and Switzerland.¹⁶

To summarize, the unifying themes of this literature include notions of the significant capacity middle powers possess; the international respect they command; the ideals of good global citizenship that guide their foreign policies; the niches neglected by the superpowers that are available to them; and the special roles they play in world politics as lieutenants of great powers, mediators of conflict, supporters of international organization and advocates of international norms and multilateralism.

These arguments have not motivated realists to reconsider their claims about the predominant impacts of principal powers. They have not added much to the general arguments advanced by liberals about world politics, or shifted much attention away from the United States (and its main transatlantic partner Great Britain) as the focus of most international relations theory. In this light, it would not be difficult to develop an argument, guided by constructivist and postmodern ideas, suggesting that the identity of middle power has been constructed by a

¹³ Olav Stokke, (ed.), 1989, *Western Middle Powers and Global Poverty: The Determinants of the Aid Policies of Canada, Denmark, the Netherlands, Norway, and Sweden*, Uppsala: Scandinavia Institute of African Studies.

¹⁴ Andrew Cooper, Richard Higgott and Kim Nossal, 1993, *Relocating Middle Powers: Australia and Canada in a Changing World Order*, Vancouver: University of British Columbia Press, 19. See also Cranford Pratt (ed.), 1990, *Middle Power Internationalism: The North-South Dimension*, Kingston: McGill-Queen's University Press, and Bernard Wood, 1993, *The World's Stakes in Canada: The Achievement and the Potential of a Middle Power*, Toronto: Editions du GREF.

¹⁵ Andrew Cooper (ed.), 1997, *Niche Diplomacy: Middle Powers after the Cold War*, New York: St. Martin's Press.

¹⁶ Jan Rudengren, 1995, *Middle Power Clout: Sweden and The Development Banks*, Ottawa: North-South Institute; Iver B. Neumann (ed.), 1992, *Regional Great Powers in International Politics*, New York: St. Martin's Press.

small group of states, mainly because such an identity serves their interests in several specific ways. It allows them to distance themselves conceptually from the United States or from any regional hegemon. It is an identity rich with positive associations, an identity that suggests that this group of states has moral authority and prestige because its members are good world citizens. Most importantly, perhaps, the concept emphasizes the extent to which middle powers are the ones willing to tackle tough, long-term problems like small arms, landmines, child soldiers, poverty and environmental change.

Non-Governmental Organizations

The history of non-governmental organizations (NGOs) that act across borders is a long one. In the Middle Ages, the transnational Catholic Church acted to place constraints on the conduct of war.¹⁷ In the early modern era, transnational coalitions worked to abolish slavery.¹⁸ The late nineteenth century saw the emergence of world environmental activism, as groups in Europe, North America and elsewhere cooperated to protect wetlands, study migratory birds, and regulate international trade in skins and feathers. The twentieth century witnessed an enormous volume of transnational activism, especially after World War II, through campaigns focused on promoting world peace, eliminating nuclear weapons, protecting the planet from environmental change, advocating human rights, and gaining the women right to vote. More recently, campaigns were started to ban antipersonnel landmines and child soldiers, and to regulate small arms.

The study of NGOs was not a prominent feature of the discipline of international relations in its early years,¹⁹ but it received a considerable boost in 1977 from the publication of *Power and Interdependence* by Robert Keohane and Joseph Nye, who helped move such research from the periphery to the core of the field of international relations. The end of the Cold War also created opportunities for scholars to look beyond the state and rethink the character and requirements of central themes such as security and development.²⁰ At the same time, the Rosenau study cited earlier underscored the various ways in which the knowledge and expertise of NGOs had increased. Technological innovations in information, communications, and transportation, for example, gave individuals and groups unprecedented access to

¹⁷ See Richard Matthew, 2002, *Dichotomy of Power: State versus Nation in World Politics*, Lanham: Lexington Press.

¹⁸ Margaret Keck and Kathryn Sikkink, 1998, *Activists Beyond Borders*, Ithaca: Cornell University Press.

¹⁹ See Kalevi Holsti, 1985, *The Dividing Discipline: Hegemony and Diversity in International Theory*, London: Allen & Unwin.

²⁰ See, for example, Richard Ullman, 1983, "Redefining Security," *International Security* 8(1), 129-153; and Jessica Tuchman Matthews, 1989, "Redefining Security," *Foreign Affairs* 68(2), 162-177.

knowledge and resources and a once unthinkable capacity to move and communicate worldwide at relatively low cost.²¹

As a new generation of scholars further developed this research area, different approaches to characterizing the phenomenon emerged. For example, Peter Haas explored epistemic communities – networks of experts bound by shared norms and methodologies. Thomas Rochon examined critical communities, transnational groups who shared critical perspectives on global issues.²² Throughout the 1990s, various scholars wrote about world civic activism, governance without government, transnational networks, coalitions and movements.²³ They examined practices of direct confrontation, permanent critique, dissidence, agenda framing and setting, education, lobbying and community empowerment. This literature contains many subtle differences that serve as the foundation for a set of interesting research questions. More importantly, perhaps, is what unifies this broad and often contentious literature: a firm commitment to the antirealist claim that actors other than states affect and shape world politics in ways that are significant.

The literature on NGOs and transnational politics is rich with examples of success and innovation. It has paid remarkable little attention, however, to the extent to which success has involved partnering with states. For reasons noted at the beginning of this chapter, I believe that this partnering is often essential, and that, at least in the security realm, it often involves a group of middle powers. The success of these partnerships suggests that far more may be attempted and achieved in the years ahead.

Overview of Chapters

This thesis includes – after this general introduction – an analytical framework, six empirical chapters on the small arms issue and conclusions in the final chapter.

In the *ANALYTICAL FRAMEWORK*, I develop a theoretical argument that structures the analysis of the empirical chapters. To start with, conventional explanations are given why there has not been more ‘success’ in establishing a regulatory framework to tackle the small arms problem

²¹ For a discussion of some of the implications of increased access and mobility, see Richard Matthew and George Shambaugh, 1998, “Sex, Drugs and Heavy Metal: Transnational Threats and National Vulnerabilities,” *Security Dialogue* 29(2), 163-176.

²² Peter Haas, 1992, “Introduction: Epistemic Communities and International Policy Coordination,” *International Organization* 46(1), 1-35; and Thomas Rochon, 1998, *Mobilizing for Peace: The Antinuclear Movements in Western Europe*. Princeton: Princeton University Press.

²³ See, for example, Wapner 1996; Rosenau and Czempiel 1992; Keck and Sikkink 1998; Cecelia Lynch, 1999, *Beyond Appeasement: Interpreting Interwar Peace Movements in World Politics*. Ithaca: Cornell

on the one hand, and why there has been at least some ‘success’ at all on the other hand. Derived from the conventional wisdom and the alternative explanations a research puzzle will be developed to come to grips with the small arms issue. Evidence of importance of the topic is presented and the literature review shows the research gap. In a next section the general idea of the theoretical concept is developed, followed by the basic analytical framework. In a next step, the key concepts of analysis are introduced and the methodology presented. Finally, the case selection is elaborated.

In *Chapter 3*, I approach the problem of small arms and light weapons from a broader perspective. To show the different facets of the small arms issue the multi-dimensionality of the problem is illustrated in general terms. This chapter concludes by analyzing small arms activities in and outside the UN framework and mapping out the road to the UN Small Arms Conference.

In *Chapter 4*, I take a closer look at the production side of small arms in a global perspective. By introducing the world’s largest small arms producers, I assess the role of the arms industry and examine whether it alleviates or aggravates the small arms problems.

In *Chapter 5*, I trace the creation of the global network of NGOs that deals with the small arms problem. In this chapter I argue that the creation of a small arms action network was only possible in a changed international context. In a next step, I show the important role the creation of expert knowledge played to gain a critical mass for the network’s advocacy activities. Furthermore, I assess the lobbying and networking activities of the NGOs during the UN Conference on Small Arms. In the remainder of this chapter, I evaluate a possible future role of NGOs in the implementation of the *Programme of Action*.

In *Chapter 6*, I explore in more details the UN Small Arms Conference that took place in July 2001 in New York. The chapter shows how the three Preparatory Committees (PrepComs) led the road to the Conference. The shortcomings and benefits of the preparatory process and the negotiation framework are sorted out before the negotiation itself is analyzed that led to a consensus document – the *Programme of Action*. This chapter also provides an in-depth analysis of the *Programme of Action*, looks at how the various contentious issues were resolved – or deferred – and evaluates the future road of the follow-up process.

Chapter 7 focuses on the US small arms activities before, during and after the UN Small Arms Conference. I start with an assessment of the specific domestic setting of the United States and the current state of the US arms industry. In the context of the pre-negotiation stage, I review the US small arms policy before the UN Conference. In a next step, I analyze the US position during the UN Conference (Level I). The different domestic non-state actors (Level II) are introduced in the next two sections. First, a general distinction is made between domestic non-state actors favoring regulations and restrictions on the possession and use of small arms on the one hand, and domestic non-state actors rejecting any kind of restrictions on the other hand. Second, a further distinction is made between ‘real’ domestic non-state actors (domestic gun control groups) and US NGOs with an international agenda (human rights groups as well as Fund for Peace, BASIC and others).

In *Chapter 8*, I analyze Switzerland’s small arms policy and activities. First, I set out the specific domestic setting of Switzerland and review the Swiss small arms activities before the UN Conference. In a next step, I assess the situation of the Swiss arms industry. The different domestic non-state actors (Level II) are introduced in the next two sections. First, the influence and organizational structure of the domestic non-state actors that reject any kind of restrictions is presented. Second, it will be explained why there is almost no domestic movement that actively tries to promote stricter small arms regulation (lack of organizational power). In a next step, I analyze the Swiss position during the UN Conference (Level I). The Swiss delegation tried to establish informal and formal links with other ‘like-minded’ states to overcome the disadvantage of not being member of a major political regional (EU) or international (United Nations) organization. Therefore, Switzerland tried to launch a small-arms marking and tracing initiative together with France, which is both an influential EU member and a veto power in the United Nations Security Council. Finally, I assess the Swiss small arms policy after the Conference and trace the further development of the Swiss-French initiative.

Finally, in the *CONCLUSIONS* I re-assess the analytical power of the theoretical framework and the empirical results. Furthermore, I develop scenarios for the future role of middle power and NGOs, and conclude with some thoughts on directions for further research.

2 ANALYTICAL FRAMEWORK

Domestic politics and international relations are often somewhat entangled, but our theories have not yet sorted out the puzzling tangle. It is fruitless to debate whether domestic politics really determine international relations, or the reverse. The answer to that question is clearly “Both, sometimes” The more interesting questions are “When?” and “How?”²⁴

—Robert D. Putnam, 1988.

This chapter develops the theoretical argument for the analysis of the UN small arms negotiation process. To start with, I provide conventional explanations why there has not been more ‘success’ in establishing a regulatory framework to tackle the small arms problem on the one hand, and why there has been at least some ‘success’ at all on the other hand. Derived from the conventional wisdom and the alternative explanations I develop the research puzzle of this dissertation: Given the contradicting signals and circumstances how can the consensus reached at the Conference be explained? What were the relevant actors and how did they interact with each other to influence the emerging action framework? In the literature review, I elaborate on the relevance of the topic and establish a research gap. In a next section, I develop the general idea of the theoretical concept by combining three different branches of theoretical literature: Putnam’s two-level game, Olsen’s approach on ‘domestic collective action of political groups’ and transnational politics. In the reminder of this chapter I introduce the methodology and explain why I have selected the United States and Switzerland in the case studies.

²⁴ Robert D. Putnam, 1988, “Diplomacy and Domestic Politics: The Logic of Two-Level Games,” *International Organization* 43(3), Summer, 427-460, esp. 427.

2.1 Conventional explanations

Conventional explanations for developments in the area of small arms and light weapons basically fall into two different theoretical approaches: On the one hand, scholars who respect the progress made so far draw primarily on the arguments provided by regime theory. On the other hand, Realist scholars are rather pessimistic whether there has actually been any remarkable progress. A third way to explain the ongoing interaction between actors favoring more regulations on the small arms issues and those who oppose any restriction would be to rely on game theory thinking. Finally, it is also possible to apply a global public policy approach to the problem.²⁵ Each of these approaches will be assessed in this section, before I develop the research puzzle.

In the perspective of traditional regime theory, regimes are defined as “sets of implicit or explicit principles, norms, rules, and decision-making procedures around which actors’ expectations converge in a given area of international relations.”²⁶ Even though we can find all the defining elements to a certain extent in the global small arms policy, the crucial aspect of effectiveness is not really developed at this stage. Other important components of a regime as described by Keohane are the establishment of jointly elaborated rules, the production of information which strengthens the expectation of behavior and the reduction of transaction costs.²⁷ This approach is certainly helpful to describe the current status of the small arms regime on different levels, but it hardly provides any evidence how it came about and what the influence of the involved actors was.

Realism is even more pessimistic. Not even the *Programme of Action* as we have it now, would have been possible under traditional Realist assumptions. Since states are generally reluctant to engage in permanent international arrangements,²⁸ it would – under the Realist paradigm – be even more unlikely that states actually would start to *discuss* restriction in their defense and security policy. Since they do not trust each other their primary goal is to

²⁵ In Simmons and de Jonge Oudraat (2001) several global issues – including conventional weapons and WMD – are analyzed with a global public policy perspective. See Chantal de Jonge Oudraat and PJ Simmons (eds.), 2001, *Managing Global Issues: Lessons Learned*, Washington DC: Carnegie Endowment. See also Wolfgang Reinicke, 1998, *Global Public Policy: Governing without Government?* Washington, DC: Brookings Institution.

²⁶ Stephen D. Krasner, 1984, *International Regimes*, Ithaca: Cornell University Press, 2.

²⁷ Robert Keohane, 1984, *After Hegemony: Cooperation and Discord in the World Political Economy*, Princeton: Princeton University Press, 85-109.

²⁸ In a 2001 APSA conference paper, Ken Rutherford analyzes the reluctance of major powers to join the Ottawa Landmine Treaty by applying realist theory. Ken Rutherford, 2001, “Collaboration against Major States: The Role of Mid-Size States and NGOs in Banning Landmines,” Paper presented at the 2001 APSA Annual Conference, San Francisco, 2 September 2001.

maximize their security, mainly through self-help measures such as defense.

Game theoretical approaches seem attractive, but the real-world intricacy in the case of the small arms issue is generally too complex. There are too many actors, too many possible coalitions. But there are useful aspects of game theory that help to explain one-to-one interactions²⁹ where small arms regulations proponents are confronted by pro-gun lobbyists. It is also useful if actors can be assembled to larger groups with similar interests. But most of the time, the interests even in very small groups are not homogeneous on a particular aspect of the small arms problem. There would not be enough ‘levels’ to map out these interactions.

From a theoretical perspective, the important issue is whether state positions on any aspects of small arms and light weapons *changed as a result of participation in the multilateral negotiating process*. Changes, if they pass a certain threshold of significance, would provide evidence for a key constructivist claim that state interests evolve throughout negotiation and dialogue.³⁰ By contrast, if the outcome of the conference can be explained simply by examining the initial position of states, plus their relative power (either as bargaining power or within the international system), then rationalist explanations should be privileged. In either case, a careful study of documentary record (supplemented by other sources such as interviews) is indispensable to resolving the debate between rationalist and constructivist claims. A major problem in such a research endeavor is that one often does not have sufficient access to the documentary record. Hence the fallback is to post facto impute interests from outcomes, a move that privileges rationalist over constructivist explanations, and effectively closes off other historical possibilities.

When one examines some of the major issues that the *Programme of Action* addressed (or failed to address), it becomes clear that certain states or groups of states had relatively fixed negotiation positions reflecting their pre-defined interests. In most of the cases, the negotiation positions are expressed in the opening statements to the UN Small Arms Conference.³¹ Indeed, some positions did not evolve much throughout the actual negotiation process. For example, the US insistence as early as the second PrepCom (January 2001) on the exclusion of two crucial issues – civilian possession of military-style small arms as well as

²⁹ R. Duncan Luce and Howard Raiffa, 1989, *Games and Decisions: Introduction and Critical Survey*, New York: Dover Publications Inc., esp. 56-154.

³⁰ For an overview of this debate, see Thomas Risse, 2000, “‘Let’s argue!’ Communicative Action in World Politics,” *International Organization* 54(1), Winter, 1-39; Ted Hopf, 1998, “The Promise of Constructivism in International Relations Theory,” *International Security* 23(1), Summer, 171-200.

³¹ This phenomenon can be particularly seen in the case of the United States.

small arms transfers to non-state actors – would seem to confirm the Realist principle that strong states do what they wish. With respect to the issue of marking and tracing of small arms, states such as China made clear their opposition to any mandate for negotiating an international instrument. Members of the Arab League expressed their opposition to increased transparency. They also opposed any measures that could infringe upon national sovereignty in such areas as the definition of surplus stocks or export criteria that might restrict their ability to import weapons.

But an exclusive focus on the way in which specific issues were resolved – or postponed or omitted – during the actual negotiations in the PrepCom sessions and the UN Conference is incomplete. The multilateral negotiation process includes not only the actual UN Conference and preceding PrepComs, but the entire process of mobilization and policy-formulation within and between states. An adequate analytical account must therefore operate on two levels: It must not only analyze multilateral interactions to see if state interests (and actions) change, but it must also examine the construction and evolvement of interests at the domestic level. In that sense, a redefined construction of a two-level game setting is very helpful to explain the evolvement of an international action framework. In the case of small arms, a variety of regional and national workshops and conferences were convened to influence the formulation of state policies on small arms – and to mobilize domestic non-governmental actors and interests. Many states were on a relatively steep learning curve, not even having a clearly defined policy on small arms before the mid-90s. In that regard, the annex to the *Programme of Action* provides a significant list of more than 50 high-level seminars and conferences in the three years preceding the conference. In some cases, these meetings were crucial in identifying important issues, shaping state and international organization policies, and formulating regional positions in such areas as for example the regulation of arms brokering, destruction of surplus stocks, and international assistance.

Under these conditions, it is difficult to claim that state interests can be deduced from a straightforward assessment of a state's relative position in the respective policy arena. There are not even clear criteria by which such a position could be determined: Should it focus on the most negatively affected states (i.e. expect active engagement from those states affected by illicit arms trafficking or by high levels of firearms violence), or on the economic and geo-strategic benefits of arms exports and imports (i.e. assume that major exporters and importers

would oppose restraints)?³²

2.2 The Research Puzzle

The research puzzle prepares the way for the analytical framework to be developed later in this chapter. The phenomenon (outcome of the negotiations during the UN Small Arms Conference) analyzed in this dissertation is puzzling for two reasons: One would actually expect higher regulation given the sensitive issue of civilian casualties, child soldier, human rights abuses that could mobilize a lot of people. As a matter of fact, there has been an emerging NGO coalition and a group of like-minded states. Furthermore, there have been clear signs of cooperation between NGOs and committed middle powers. These are clearly benevolent conditions for an effective outcome of the UN Small Arms Conference. It even seems that similar starting points were present as in the successful negotiation of a mine ban treaty.³³ However, this line of argument does not discount for two key groups in the analysis: The role of the small arms (defense) industry and the gun lobby/legitimate users. Researchers so far have mainly focused on the ‘good’ NGOs and assume that this is sufficient to explain the outcome – or are at least astonished why the small arms campaign is not more successful. But differently to, for example, the landmine case, there are strong interest groups that have a big stake either in the business of small arms or see the possession of small arms as a fundamental right.

On the other hand, one could expect lower regulation (no regulation at all or small arms policy even as a ‘non-issue’) since the small arms issue is not very attractive for negotiations. A major reason would be that the topic is too complicated which means that there is hardly any prospect for compromise. Its multi-faceted characteristics make it very difficult to assemble all the relevant actors around the negotiation table. In addition, political actors mostly see negotiations in the security and defense area as lose-lose situation, dominated by the logic of the prisoners’ dilemma. An arms race would be the logic outcome, where there is hardly any room for compromise. Pragmatists would argue that the small arms issue has just appeared on the international agenda and that it takes more time until a higher level of cooperation and regulation can be achieved. Others still say, as long as major countries oppose a negotiated solution there will not be an agreement.

All these – sometimes ad-hoc – arguments seem to be partially true, and yet there was a

³² Chapter 3.2 shows how this process of interest formation has worked.

³³ Ken Rutherford. 1999, “The Hague and Ottawa Conventions: A Model for Future Weapon Ban Regimes?” *The Nonproliferation Review* 6(3), Spring-Summer, 36–50.

substantial outcome negotiated in the global framework of the UN Small Arms Conference.

Given these conflicting and contradicting signals and circumstances why do we have this kind of consensus after the end of the Conference? How can the outcome (*Programme of Action*) of the Conference be explained? What were the relevant actors and how did they interact with each other to influence the emerging action framework?

2.3 Literature review

The key question is how and to what extent did pro- and anti-regulation NGOs as well as small arms producers affect the process and outcome of the broader development of the small arms debate and the UN Small Arms Conference in particular? The answer depends on how influence is defined and on what aspect one focuses. NGO (and industry) influence can be exercised either directly as an input into a particular outcome (bargaining power), or indirectly as the power to frame or structure the debate around a particular issue (agenda-setting or structural power).³⁴ NGO influence can also be exercised at the grassroots, domestic, regional or global level.

These examples highlight phenomena that have been raised in other studies of NGO influence and the uncertainty over how to study transnational NGO activity. Cases from the environment, human rights, land mines and other issues show that there is currently no consensus on which conceptual framework is most appropriate for studying NGO influence. The analytical tools range from transnational social movement theory to epistemic communities, principled issue-networks, or interest group analysis.³⁵ The experience of the UN Small Arms Conference process does not clarify this choice since virtually all of these dimensions were present: NGOs, individually and as network, were active in providing research and expert analysis ('epistemic communities') that played an important role in the

³⁴ Stefano Guzzini, 1993, "Structural Power: The Limits of Neorealist Power Analysis," *International Organization* 47(3), Summer, 443-478.

³⁵ Key works include Richard Price, 1998, "Reversing the Gun Sights: Transnational Civil Society Targets Land Mines," *International Organization* 52(3), Summer, 613-644; Ann Florini, ed., 2000, *The Third Force: The Rise of Transnational Civil Society*, Washington, DC: Carnegie Endowment for International Peace; Jackie Smith, Charles Chatfield, and Ron Pagnucco, eds., 1997, *Transnational Social Movements and Global Politics: Solidarity Beyond the State*, Syracuse: Syracuse University Press; Peter Haas, ed., 1997, *Knowledge, Power and International Policy Coordination*, Columbia: University of South Carolina Press. On small arms see Keith Krause, 1999, "Norm-Building in Security Spaces: The Emergence of the Light Weapons Problematic," Paper presented at the ISA annual Conference, Washington, DC, 17-20 February 1999; Suzette Grillot, 2001, "Small Arms, Big Problems: IANSA and the Making of a Transnational Advocacy Network," Paper presented at the ISA Annual Conference, Chicago, 20-24 February 2001.

framing of the problem. They were linked as part of broader issue-networks such as public health and crime prevention or humanitarian advocacy. Additionally, they pursued traditional interest-group lobbying strategies where the firearms community was particularly strong – supported by the small arms industry.

Aspects of multilateral diplomacy, and the entire domain of ‘global public policy’ formulation,³⁶ will likely remain an understudied and under-theorized area of research for two main reasons, one practical and one conceptual. The practical reason is quite evident: Multilateral policy-making processes are difficult to track. The analysis needs to incorporate not only multilateral interaction, but also domestic policies of interest and policy formulation. The information needed to draw reasonable conclusions (or even to undertake process tracing) is difficult to obtain. The negotiating forums are usually closed to researchers. Key participants are not easily available for interviews.³⁷ On the conceptual aspect: Tangible outcomes (through national or regional implementation, or the establishment of multilateral instruments or mechanisms) that reflect the impact of norm development may only follow years or decades after the actual negotiations.

For scholars of International Relations, the terms ‘NGO’ and ‘transnational’ share the same conceptual and analytical problems. Both expressions are very weakly defined which may explain the highly diversified ways in which they are used. The ‘NGO’ category is often analyzed as a global, homogeneous phenomenon where, in fact, it encompasses different categories of very heterogeneous actors.³⁸ Both concepts (NGO/transnational) share the particularity of being defined in relation to the nation-state model, either in terms of a centralized exercising power or of the national system and its territorial and jurisdictional frontiers.

This may explain why transnational NGOs are generally perceived to constitute the most

³⁶ See Wolfgang Reinicke, 1998, *Global Public Policy: Governing without Government?* Washington, DC: Brookings Institution.

³⁷ The problems of limited access to the negotiation forum and interview opportunities with key participants were mitigated at the UN Small Arms Conference by the fact that some nations included outside experts in their negotiation delegation. Furthermore, I could directly participate at the Conference (without access to the closed sessions) where the imbedded experts briefed a group of NGOs and researchers and where I had access to some of the national delegates and UN representatives. See also section on methodology in this chapter.

³⁸ A consensual definition is lacking, but it is usually possible to distinguish two basic criteria in the existing literature. The term NGO refers to a freely constituted group of persons or private collectivities for non-profit purposes. According to UN criteria, NGOs operating in at least three countries are considered to be international non-governmental organizations (INGOs). The Union of International Associations adds a collateral criteria: the membership and financial resources of the organization must also originate from at least three countries.

serious challenge to the Realist theory of International Relations. If most scholars approach transnational advocacy networks in terms of ‘opposition’ and ‘resistance’ to the State,³⁹ some even consider the new world designed by these ‘new social actors’ to constitute a valid counterweight to a collapsing state system deeply affected and disoriented by the end of bipolarity.⁴⁰ Whereas it attempts to explain the resistance of the State – or its retreat – in reality, the literature illustrates the difficulty inherent in the use of such paradigms.

Additionally, most NGO studies are either not empirically grounded or focus on a very limited number of NGOs within a single-issue area.⁴¹ A study published by a research team at Stanford University and a standard reference on this issue is a good example of this temptation to stick to very broad ideas or generalize findings without sufficiently challenging their bases.⁴² The idea that “non-state actors are getting increasing autonomy” is a concrete example of the wide-spread ideas that may be found in most studies, although referring to patterns that are not always true for most NGOs in the same way. For all these reasons, I suggest to contribute to the understanding of the role of NGOs as possible transnational forces, not simply in terms of their opposition to the State, but in their different interactions.

As it is difficult to encompass the plurality of the situations in global analysis,⁴³ I base this research on a comparative analysis of two types of domestic and transnational NGOs in the field of small arms control. On the one hand, NGOs actively supporting and working for stricter regulation and, on the other hand, NGOs opposing – in company with the weapons industry – tighter regulation in this area. NGO action can be observed in their interaction with states and on the international level.

Two main reasons explain this choice. Firstly, considering the difficulty in capturing

³⁹ See for instance Joseph A. Camilleri and Jim Falk, 1992, “The New Social Movement,” J.A. Camilleri and J. Falk, *The End of Sovereignty? The Politics of a Shrinking and Fragmented World*, Edward Elgar Publications, 199-235.

⁴⁰ See in particular James N. Rosenau, 1990, *Turbulence in World Politics: A Theory of Change and Continuity*, Princeton: Princeton University Press; James N. Rosenau and Ernst Otto Czempiel, 1992, *Governance without Government: Order and Change in World Politics*, Cambridge: Cambridge University Press.

⁴¹ While I also focus on just one issue area, i.e. the small arms issue, I consider a larger number of NGOs with quite different, if not opposing agendas and analyze their role in relation to each other and to the negotiating countries.

⁴² John Boli and George M. Thomas, eds., 1999, *Constructing World Culture: International Nongovernmental Organizations since 1875*, Stanford, CA: Stanford University Press.

⁴³ Some studies have tried to bridge empirical and theoretical analysis, for instance by studying UN world conferences, which are considered to provide a microcosm of global state-society relations. See for instance Ann-Marie Clark, Elizabeth H. Friedman, and Kathryn Hochstetler, 1998, “The Sovereign Limits of Global Civil Society: A Comparison of NGO Participation in UN World Conferences on the Environment, Human Rights, and Women,” *World Politics* 51, October, 1-35.

phenomena beyond the categories of sub-disciplines and spaces (local – national – regional – international – transnational and supranational), we need to understand what happens in the in-between. One interesting and important consequence of this kind of research is to bridge the divide between International Relations and comparative politics. Scholars have often been quick to pick up on different events, frequently making generalizations based on a few spectacular episodes. This approach is particularly prominent in the analysis of the anti-globalization movement. Various examples given in this study will show that by observing activities of different actors, one can at least minimize this effect. Secondly, despite the necessity of proposing a diagnosis at the global level, it should not be forgotten that what is on the negotiation table has concrete and sometimes contradictory implications in the field. Global action can also have unintended consequences on the local level where people are affected by small arms proliferation and use.

In the following sections I will assess the existing literature on NGOs and transnationalism that is relevant to this dissertation more thoroughly and highlight key elements of the NGO-government relationship.

Transnationalism and Non-governmental Organizations

According to a common perception, “group and individuals more and more often interact directly across frontiers without involving the State”.⁴⁴ The term ‘transnationalism’ would portray this evolution as it is used to characterize regular activity across national borders that involves at least one non-state actor.⁴⁵ In the literature, an additional pattern is often added: transnationalism would suppose that various individuals and agencies, operating at different levels of authority, are connected to each other by “shared values, a common discourse, and dense exchanges of information and services.”⁴⁶

According to the criteria proposed by Sidney Tarrow, Greenpeace and Amnesty International are among the rare real transnational organizations in the sense that their members are “both rooted in domestic social networks and connected to one another more than episodically through common ways of seeing the world, or through informal or organizational ties.” But

⁴⁴ See for example UN Secretary-General’s Millenium Report, “We the Peoples: The Role of the United Nations in the 21st Century,” Executive Summary, 1. The same idea is at the basis of the declaration of the “We the Peoples Millenium Forum Declaration and Agenda for Action” issued on 26 May 2000 after around 1,350 individuals from NGOs gathered at the UN Headquarters.

⁴⁵ See Thomas Risse-Kappen, 1995, “Bringing Transnational Relations Back In: Introduction,” in Thomas Risse-Kappen, ed. *Bringing Transnational Relations Back In: Non-State Actors, Domestic Structures and International Institutions*, Cambridge: Cambridge University Press, 3.

both organizations are quite far from the usual vision we have of transnational organizations as informal and decentralized networks of action. Both are very centralized and even hierarchical. Most of the time, the campaigns are decided at the headquarters and the different sections mainly apply the instructions. This leaves the local units a very limited space for own initiatives. Other cases correspond more to what Tarrow calls “transnational political exchange,” that is “temporary forms of cooperation among essentially national actors that identify a common interest or set of values in a particular political configuration.”⁴⁷

The International Campaign to Ban Landmines (ICBL) may be considered as an intermediary case as it has been organized across borders. The ICBL was not alone in this campaign. It was mainly the umbrella organization covering and sometimes coordinating a lot of other organizations, activities and initiatives. Other organizations such as Handicap International, the International Movement of the Red Cross and many smaller NGOs (almost one thousand at the end) also participated in the campaign. ICBL remained in the core of a smaller network based on strong personal linkages. In many mine-affected countries (e.g. Cambodia, Mozambique, Angola, etc.) the campaign was mainly based around US citizens who were distributing information and lobbying. There was very little local dynamics. Local populations mainly participated as victims in the process who were solicited to give their testimony at international conferences.⁴⁸

A third characteristic of these mobilization activities is to target authorities which are situated outside of the domestic arena. In human rights and environment areas, NGO actions are often directed against a specific government (or a private company).

Transnational actions have also been favored by the existence of specific political opportunity structures at the international level: the existence of structures and rules which encourage their participation in the process. Different international institutions encourage the participation of NGOs by giving them opportunities for consultation and subsidies.⁴⁹ The increasing participation in UN thematic conferences has been spectacular. These conferences and other forms of international contacts create arenas for forming and strengthening networks. Besides

⁴⁶ See in particular Margaret Keck and Kathryn Sikkink, 1998, *Activists Beyond Borders: Advocacy Networks in International Politics*, London/Ithaca: Cornell University Press, 2.

⁴⁷ Sidney Tarrow, ed. 1998, *Power in Movement: Social Movements and Contentious Politics*, Cambridge: Cambridge University Press, 184-5.

⁴⁸ See David C. Atwood, 1999, “Mise en œuvre de la Convention d’Ottawa: Continuité et Changement dans le Rôle des ONG,” UNIDIR, ed., *Forum du Désarmement: Vers un Monde sans Mines* 4, 21-34.

⁴⁹ See Roger A. Coate, Chadwick F. Alger, Ronnie D. Lipschutz, 1996, “The United Nations and Civil Society: Creative Partnership for Sustainable Development,” *Alternatives* 21(1), January-March, 93-122.

sharing information, NGOs can create frames within which they base their campaigns.⁵⁰

Thematic UN conferences and rounds of preparatory meetings usually provide mobilization opportunities to bring different NGOs together in order to collectively engage in a common cause to achieve a common end. They facilitate the constitution of transnational networks and the initiation of common international activities. This is particularly clear amongst environmentalists and human rights advocates, but can also be found in the small arms community. In human rights, the effectiveness of a transnational action may be ensured by a clear identification of the objectives.⁵¹ A majority of the international campaigns focus on very limited objectives such as the release of (political) prisoners. By doing so these NGOs create interconnections between universality (human rights) and different evolving local contexts (imprisoned political activist).⁵² Very similar elements of transnational activism can be found in the experience of Ken Rutherford⁵³ and David C. Atwood.⁵⁴ Both are victims of landmine explosions. They have worked in order to help the victims to organize themselves and be active in their respective countries whereas they had been largely considered as objects and not as actors in the international campaign.

Exploring the NGO-government relationship

A common view holds that NGOs' action directly challenges the authority of the state. But when analyzing concrete situations, the reality appears to be much more complex. NGOs do not challenge the authority of the state in general. State sovereignty is eroded only in clearly delimited circumstances. Of course, much pressure may be put on the state, but it is still in charge.⁵⁵ This is due to the fact that governments continue to dominate procedures and the

⁵⁰ Ann-Marie Clark, Elizabeth H. Friedman, and Kathryn Hochstetler, 1998, "The Sovereign Limits of Global Civil Society: A Comparison of NGO Participation in UN World Conferences on the Environment, Human Rights, and Women," *World Politics* 51, October, 1-35, esp. 9; Keck and Sikkink 1998, 10.

⁵¹ This pre-requisite is underlined by Chadwick F. Alger, 1994, "Varieties of Transnational Cooperation: The Pursuit of Profit, Development and Human Rights by TNC, NGO and the UN System," Paper presented at the ISA annual Conference, Washington, DC, 29 March – 1 April 1994, 12-17.

⁵² Béatrice Poulingy has analyzed this phenomenon in the context of UN peacekeeping missions, see Béatrice Poulingy, 2000, "Multidimensional Peacekeeping Missions and the Promotion of the Rule of Law: the Intersection of Universal Norms and Local Contexts," *International Peacekeeping*.

⁵³ Ken Rutherford has been severely injured by a landmine in Somalia in 1993. In the beginning of the landmine campaign he had been shown around 'as a poster child', when he realized that this was the wrong approach to help the landmine victims. As a consequence, he co-founded the Landmine Survivor Network to provide guidance for self-help for victims and their relatives. Discussion with Ken Rutherford, Zurich, 10 January 2003.

⁵⁴ See David C. Atwood, 1999, "Mise en oeuvre de la Convention d'Ottawa: Continuité et Changement dans le Rôle des ONG," UNIDIR, ed., *Forum du Désarmement: Vers un Monde sans Mines* 4, 21-34.

⁵⁵ Thomas Bernauer, 2000, *Staaten im Weltmarkt*, Leske+Budrich.

substance of interaction on key sovereignty-related issues,⁵⁶ such as security and arms control. On the other hand, some scholars consider the most significant impact of NGO efforts in the environmental field has been to encourage the convergence and strengthening of national regulation among states.⁵⁷

Looking specifically at the attitude of different NGOs, significant differences appear in their views on the issue of sovereignty. For analytical purposes, the North-South cleavage may be revealing on this issue. For northern NGOs, the decrease of state sovereignty seems to be generally seen as positive for human rights and environmental issues, but not necessarily for economics and trade issues. In the South, NGOs are more worried about decrease of sovereignty because they expect negative consequences from the fragility of the state.⁵⁸ Even when activists oppose the policies of their own government, they normally share their concern about the erosion of state sovereignty. Some scholars have explained this attitude of southern NGOs by the fact that they would be state-sponsored whereas the 'Western world' would have NGOs sponsored by society at large. But this assessment might only be true in very general terms.

We all know the diverse acronyms created around this distinction: GONGOs (Governmentally Organized Non-Governmental Organizations), MANGOs (Manipulated Non-Governmental Organizations) and even GRINGOs (Governmentally Regulated and Initiated Non-Governmental Organizations).⁵⁹ But such distinctions are not very satisfying.

Indeed, when looking at specific situations, the explanations of the ambivalent vision of the state promoted by the NGOs seem common on the organizations, whatever their geographic origin. Two main convergent and combined factors appear in the process:

Firstly, in many instances, governments continue to be important producers of information and providers of (financial) resources. With regard to information, this seems rather surprising because it contradicts our common viewpoint that NGOs are the main producers of particular information on a subject. In general, we find quite a large variety of information 'producers':

⁵⁶ See Ann-Marie Clark, Elizabeth H. Friedman, and Kathryn Hochstetler, 1998, "The Sovereign Limits of Global Civil Society: A Comparison of NGO Participation in UN World Conferences on the Environment, Human Rights, and Women," *World Politics* 51, October, 1-35, esp. 6; Stephen D. Krasner, 1999, *Sovereignty: Organized Hypocrisy*, Princeton: Princeton University Press.

⁵⁷ See Angela Liberatore, 1991, "Problems of Transnational Policymaking: Environmental Policy in the European Community," *European Journal of Political Research* 19(2-3), March-April, 281-305.

⁵⁸ Yet, the NGOs in the South are not interested in a strong state if this corresponds to a oppressive and power-abusing state.

On economic and security issues,⁶⁰ governmental actors play a larger role whereas non-governmental actors are more important in human rights and environmental issues.

Secondly, the fact that the funding of NGOs activities comes largely from international governmental organizations and governments has important consequences. The sub-contracting to NGOs is an increasing practice in all sectors of activity, despite differences in the magnitude of the phenomenon. This is an increasing issue for NGOs who depend on public funding for 80% of their income.⁶¹ This process may be related to ongoing logic of state ‘privatization’ which does not imply the disappearance of the state, but specific modes by which its functions are redeployed.

2.4 Analytical framework

The analytical framework of this thesis is rooted in three different areas and thus combines three different branches of theoretical literature: Putnam’s two-level game,⁶² Olsen’s theory of collective action,⁶³ and transnational politics. In this sense, this framework fuses ideas and methodologies from IR theories, domestic politics and comparative politics. The basic logic of the framework is built around the two-level game. The collective action approach is added to shed light on the domestic decision-making and policy formulation processes which define the win-set – the core concept of the two-level game. To bridge the gap between the domestic and international level, a transnational perspective is integrated in the framework. Since the dynamics of the domestic decision-making process is underdeveloped in Putnam’s two-level game this lack is compensated by the integration of the concepts of collective action and organizational power of domestic (interest) groups.

In the analysis, I focus on international non-governmental organizations (INGOs) and

⁵⁹ See for instance Richard Higgott, Geoffrey Underhill, Andrea Bieler, eds., 2000, *Non-State Actors and Authority in the Global System*, London/New York: Routledge, 2.

⁶⁰ However, there is also a huge variety of research institutes and think tanks that provide high quality information on economic and security issues.

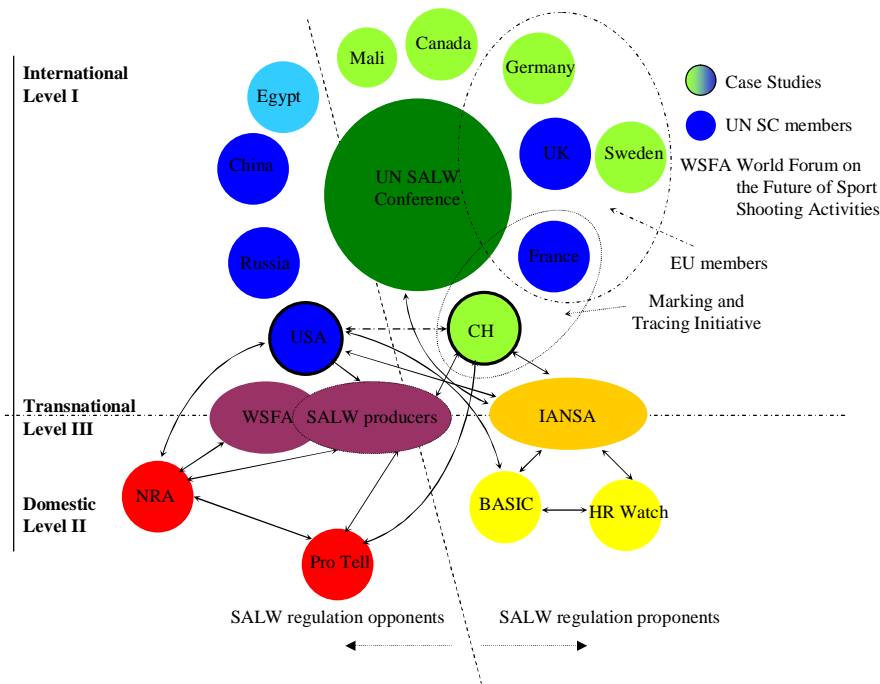
⁶¹ The privatization of services is particularly important in the humanitarian sector. See for instance Béatrice Poulingy, 2000, “Les acteurs non étatiques et la guerre: Réflexion à partir du cas des organisations non gouvernemental d’aide humanitaire,” Colloquium on War, CERI, Paris, 29/30 May 2000. <<http://www.ceri-sciencespo.com/archive/mai00/artbp.htm>> (last checked March 2003).

⁶² Robert D. Putnam, 1988, “Diplomacy and Domestic Politics: The Logic of Two-Level Games,” *International Organization* 43(3), Summer, 427-460. See also for further expansions and applications of the concept Peter B. Evans, Harold K. Jacobson and Robert D. Putnam, eds., 1993, *Double-Edged Diplomacy: International Bargaining and Domestic Politics*, Berkeley, Los Angeles and London: University of California Press.

⁶³ Mancur Olsen, 1965, *The Logic of Collective Action: Public Goods and the Theory of Groups*, Cambridge and London: Harvard University Press.

transnational business interest groups as the main agents from the area of non-state actors. It is obvious that these transnational networks are influential in today's complex and multifaceted world. But how can their influence be characterized and measured. The basic argument related to transnational groups is that they can be very influential. They can set and frame agendas and sometimes even participate at the negotiation tables.

Figure 2.1: Two level game applied to the 2001 UN Small Arms Conference⁶⁴



In this section I review the relevant literature for the analytical framework. As a general framework, this thesis is built on the idea of a two-level system. Putnam introduced this term in his seminal article published in 1988 where he developed the ‘logic of two-level games.’ He, thereby, tore down the analytical wall that kept researchers from domestic politics and International Relations apart. He claimed that “it is fruitless to debate whether domestic politics really determine international relations, or the reverse.”⁶⁵ He argued that it is more important to ask when and how they determined each other. I will show, however, that Putnam has not tore down enough walls to explain the complex actor constellation and issue framing within the small arms topic. Therefore, by including transnational actors on the one hand, I will enlarge the two-level world to another analytical level. On the other hand, there

⁶⁴ In the figure only the main interactions are marked. It is obvious that there are also connections between SALW producers and lobbyists as well as pro-gun interest groups and pro-regulation NGOs on the one hand and governments other than the United States and Switzerland on the other hand. But only the connections highlighted are of primary interest in this study.

will be a closer look at the domestic level to disentangle the decision-making process and collective action problems of the actors involved.

Within the broad literature⁶⁶ of transnational non-governmental politics, one can distinguish two strands of scholarships, differentiated by their analytic orientation and focus. The first group, which includes scholars such as Martha Finnemore, Kathryn Sikkink and Richard Price, tends to examine the role that normative understandings play in the determination of state interests and subsequent state actions. As Martha Finnemore argues, “we cannot understand what states want without understanding the international social structure of which they are a part.”⁶⁷ The second group, including scholars such as Paul Wapner, Ronnie Lipschutz and Jackie Smith, is more interested in the role and place of non-state actors within this social structure. As Lipschutz puts it, “what I analyse here [...] is better understood as a transnational system of rules, principles, norms, and practices, oriented around a very large number of often dissimilar actors”.⁶⁸ Both groups (but to different degrees) take the existence of some form of international (transnational, global) society as an ontological given, and hence challenge methodological individualist or rationalist accounts of international politics associated with neo-realist and neo-liberal theories.

Until recently, this scholarship remained outside of the empirical domain of rationalist work: it focused on ‘low political’ environmental or human rights issues, with case studies on international whaling, human rights in Latin America and Western Europe, protection of the ozone layer or the world’s forests, or the creation and activity of international institutions such as the ICRC or UNESCO.⁶⁹

⁶⁵ Robert D. Putnam, 1988, “Diplomacy and Domestic Politics: The Logic of Two-Level Games,” *International Organization* 43(3), Summer, 427-460, esp. 427.

⁶⁶ See, for example, Ronnie Lipschutz, 2000, “Reconstructing World Politics: The Emergence of Global Civil Society,” *Millennium* 21(3), Winter, 389-420; Ronnie Lipschutz, 1996, *Global Civil Society and Global Environmental Governance*, Albany: State University of New York Press; Jackie Smith, Charles Chatfield, and Ron Pganucco, eds., 1997, *Transnational Social Movements and Global Politics: Solidarity Beyond the State*, Syracuse: Syracuse University Press; Paul Wapner, 1995, “Environmental Activism and World Civic Politics,” *World Politics* 47, April, 311-340; Richard Price, 1998, “Reversing the Gun Sights: Transnational Civil Society Targets Land Mines,” *International Organization* 52(3), Summer, 613-644; Kathryn Sikkink, 1993, “Human Rights, Principled Issue Networks and Sovereignty in Latin America,” *International Organization* 47(3), Summer, 411-441; Emanuel Alder and Peter Haas, 1992, ‘Conclusion: Epistemic Communities, World Order, and the Creation of a Reflective Research Program,’ *International Organization* 46: 1 (Winter), 367-390.

⁶⁷ Martha Finnemore, 1996, *National Interests in International Society*, Ithaca: Cornell University Press, 2.

⁶⁸ Ronnie Lipschutz, 1996, *Global Civil Society and Global Environmental Governance*, Albany: State University of New York Press, 1.

⁶⁹ In addition to the works cited above, see M. J. Peterson, 1992, “Whalers, Cetologists, Environmentalists and the International Management of Whaling,” *International Organization*, 46(1), 147-186; Karen Litfin,

Only rarely did these authors tackle ‘high’ security issues.⁷⁰ But the success of the International Campaign to Ban Land Mines (ICBL)⁷¹ suggests that transnational activism can challenge and even change how states determined their interests on issues of direct national security concern.⁷² Whether this was the result of a unique constellation of actors and circumstances or whether it reflects a durable change in the politics of security policy is one of the questions this dissertation tries to address.

The aim of this dissertation is to study the emergent transnational coalition to combat the proliferation of small arms and light weapons, its collaboration with a group of like-minded middle powers, and the influence of the SALW producers and pro-gun lobbyists in alliance mainly with the United States to prevent the introduction of national and international restrictions on small arms possession and trade. This research brings another case study from the ‘high politics’ realm to bear on the question of how norms emerge in world politics. The dissertation focuses on four goals:

- to highlight how changes in the ‘conceptual horizon’ of international security policy have been a necessary condition for the emergence of the issue of small arms and light weapons;
- to chart the development of an international small arms campaign to address the issue and to examine the nature of the coalition that has emerged;
- to show how different framings of the small arms issue have produced different (and conflicting) policy prescriptions by pro- and anti-regulation lobbyists; and
- to highlight the leadership role of certain states and NGOs, and to examine the complex relationship between states and non-state actors, including the state strategies of cooptation and selectivity.

1994, *Ozone Discourses: Science and Politics in Global Environmental Cooperation*, New York: Columbia University Press.

⁷⁰ For some exceptions, see Emmanuel Adler, 1992, “The Emergence of Cooperation: National Epistemic Communities and the International Evolution of the Idea of Nuclear Arms Control,” *International Organization* 46(1), Winter, 101-46; Jackie Smith, “Social Movements and International Negotiations: Framing the Nonproliferation Debate,” unpublished paper presented at the 1995 ISA conference, Chicago; David Atwood, “Mobilizing Around the United Nations Special Sessions on Disarmament,” in Smith, et al, 141-158.

⁷¹ This success is reflected in the process leading up to the 1997 Ottawa Treaty banning the use, stockpiling, production and transfer of anti-personnel land mines. See Ken Rutherford, 1999, “The Hague and Ottawa Conventions: A Model for Future Weapon Ban Regimes?” *The Nonproliferation Review* 6(3), Spring-Summer 1999, 36-50.

⁷² Of course, this was arguably the goal of anti-nuclear movements throughout the Cold War, but evidence of direct influence on state policies and interests is notoriously difficult to pin down in this area. A felicitous attempt has been made by Jeffrey Knopf in Jeffrey Knopf, 1998, *Domestic Society and International Cooperation: The Impact of Protest on US Arms Control Policy*, Cambridge: Cambridge University Press.

In the empirical parts it will be shown how coalition-building among and between states and NGOs challenges a simple picture of the relationship between states and non-state actors.

2.5 Methodology

This study presents the results of research based on data and experience which have been accumulated over the last five years regarding the action of NGOs, private companies and nations on small arms control on a global level. The data includes first and second-hand information gathered in various situations: investigations in different countries, situations in which I participated as an active observer, interviews with individuals who played specific roles in the process (especially during the PrepComs II and III as well as the UN Small Arms Conference itself), information provided by colleagues who have themselves investigated specific aspects of the issue, etc. I have tried to take into consideration the diversity of the data when analyzing them.

In order to explain the formation of an international regime⁷³ concerning small arms control, we must understand why key member states joined the regime. And in order to understand the actions of key member states, we must understand the domestic foreign policy process which led to these actions. In the 1970s and 1980s, academics focused on the role of domestic political institutions, especially bureaucracies, legislatures, and elections, in producing foreign policy.⁷⁴ In the 1980s and 1990s, the study of foreign policy broadened to include the role of domestic preferences and interests, especially norms, public opinion, and interest groups.⁷⁵ However, the influence of information flows on domestic foreign policy-making has been largely ignored.⁷⁶ NGOs, as carriers of information across state boundaries, have received

⁷³ International regimes are typically defined as “principles, norms, rules, and decision-making procedures around which actor expectations converge in a given issue-area” (Krasner: 1984, 1) therefore states cannot really join a regime per se, but behave in accordance. However, states can select to join the international institutions which are the formal manifestations or representatives of many international regimes.

⁷⁴ For example, see Graham Allison, 1971, *Essence of Decision: Explaining the Cuban Missile Crisis*, HarperCollins Publishers; Peter J. Katzenstein, 1978, *Between Power and Plenty: Foreign Economic Policies of Advanced Industrial States*, University of Wisconsin Press; and Stephen Krasner, 1978, *Defending the National Interest*, Princeton University Press.

⁷⁵ On the role of preferences, see Jack Snyder, 1991, *Myths of Empire*, Ithaca: Cornell University Press; Martha Finnemore, 1996, *National Interests in International Society*, Ithaca: Cornell University Press. On the role of interest groups see Ronald Rogowski, 1989, *Commerce and Coalitions*, Princeton: Princeton University Press; Peter Gourevitch, 1986, *Politics in Hard Times*, Ithaca: Cornell University Press; and Helen Milner, 1988, *Resisting Protectionism*, Princeton: Princeton University Press. On public opinion see Thomas Risse-Kappen, 1991, “Public Opinion, Domestic Structure and Foreign Policy in Liberal Democracies” *World Politics* 43(4), July, 479-512.

⁷⁶ Exceptions to this are, among others, Helen Milner, 1997, *Interests, Institutions and Information*, Princeton: Princeton University Press; and Andrew Moravcsik, 1994, “Why the European Community Strengthens the State: Domestic Politics and International Cooperation.” Center for European Studies Working Paper No. 52. Cambridge: Harvard University.

correspondingly little attention. This thesis attempts to incorporate information transmission by NGOs into an analysis of foreign policy-making and a model of international regime formation.

A traditional political science study would not *necessarily* analyze the primary source material, but rather the contributions of the existing literature. With a few exceptions, however, this kind of literature does not yet exist in the area of small arms. Most of the existing literature is either descriptive or normative. Nevertheless, it is of some interest due to its informative content, but it mostly does not provide any conceptual explanation. For such a literature to develop it will require drawing upon research that is more fully developed in other issue areas (e.g. global environment and human rights policy), and making use of the available primary materials on small arms to advance a coherent research agenda.

The focus on the *Programme of Action* as the centerpiece of multilateral small arms efforts is justified by the central role it plays in the creation and dissemination of new norms. My aim, however, is not to dissect the *Programme of Action*, but to show how such documents must be set in a rich empirical context.

All the written material presented in this chapter is based on information obtained from open public sources, including official information, annual and specialized defense publications, corporate and non-governmental information services, company promotional information, and primary field research in selected countries (Switzerland, United States, Belgium). However, in most of the cases it is not possible to show direct links and lobby activities of the pro-gun groups and the industry. This is for a simple reason. They are very reluctant to talk about these issues. But there are clear signs of influence when the US delegates directly or indirectly refer to the NRA and/or their arguments.

Most of the interviewed persons have requested not to be mentioned by name in this publication. In order to get this information which is so far not publicly available I have agreed not to disclose their name. I have, however, tried to keep as much as transparency as possible by mentioning at least date and location of the conducted interviews.

2.6 Case selection

Generally, it would be helpful to conduct as many case studies as possible to test the explanatory power of the analytical framework. Since this is not possible for practical reasons, it is useful to cluster the states in different characterizing groups related to their small arms policy and behavior. In principal, we can make the distinction between producing /

exporting countries and importing / affected countries. Even though, this distinction seems quite attractive and seems to follow the logic of supply and demand, its explanatory power does not cover the problems related to the question at hand. I therefore choose to limit the focus of the study on Western supply side states. Those countries actually represent those actors and phenomenon I am mostly interested in and where I assume the largest explanatory power for the outcome of the UN Small Arms Conference. Even with that restriction I would have ended up with more than 20 countries.

I therefore chose to select Switzerland from a group of states which is usually tagged as 'like-minded states' and belongs to the middle powers. These countries were already very active in the Ottawa process that led to the Mine Ban Treaty. But in the area of small arms, Switzerland is rather a 'hard case.' Given its constitutional structure, militia system, widespread civilian ownership of firearms, decentralized regulations and cantonal laws, the relatively easy access to weapons, and high rate of distribution, production and (re-) export, it is rather unlikely to assume (without knowing much else about its real small arms control activities) that Switzerland was an active player in the negotiations leading to the *Programme of Action*.

A second 'hard case' is the United States. As the only remaining superpower it is the most important country, not only in the current world politics in general, but also in the area of small arms control in particular. It is the largest producer of both civilian and military-style small arms, it is one of the largest exporters and the largest importer of small arms. The US market for civilian firearms is the largest in the world and it has also a high rate of private small arms possession. Last but not least, the domestic gun lobby is famous for its influence on domestic gun regulation. It seems to be intriguing to analyze their impact on the international level, given a strong counterpart in the form of a transnational network of NGOs who want to tackle the international illicit trade of small arms following the highly successful example of the campaign that led to a total ban of landmines.

3 TARGETING THE PROBLEM

*The world is awash with small arms [...]. While states bear most of the responsibility for controlling these weapons, no one can deny the global scope of the human tragedy [...]. These weapons have [...] aggravated conflicts, produced massive flows of refugees, undermined the rule of law, and spawned a culture of violence and impunity.*⁷⁷

—Kofi Annan,
Secretary-General of the United Nations,
March 2002.

3.1 Multi-dimensionality of the problem

Measures to stem small arms proliferation on a global scale depend on a consensus that the problem is indeed global, a consensus that did not emerge prior to the UN Small Arms Conference in July 2001. While some progress has been made at the regional level, there were still key regions that lacked a regional framework to tackle the small arms problems. Therefore, global efforts were critical to fill these gaps. It was in this context that the UN Small Arms Conference was held. The negotiated *Programme of Action* is a consensus document that reflects worldwide agreement that the problems of small arms are multi-dimensional and global. Its multi-dimensionality is characterized by the fact that the small arms issues cover a variety of other policy fields such as disarmament and international security, development, transnational crime, public health, humanitarian and domestic law.

Therefore, international action concerning SALW has to go far beyond conventional arms control measures on the supply side. In that sense, the *Programme* contains specific measures for implementation by national governments, regional and international organizations as well

⁷⁷ Kofi Annan, 2002, Foreword to the *Small Arms Survey 2002: Counting the Human Cost*, Oxford/New York: Oxford University Press.

as civil society. In addition, it establishes a minimal follow-up process, ensuring that the issue will stay on the international agenda.

Two of the major characteristics of the global small arms problem are that it needs both a multi-dimensional and multi-disciplinary approach.⁷⁸ This characterization is not only typical for small arms and light weapons, but also for other 'new' topics of the 1990s such as environmental problems that are inexorably linked with development, while the HIV/AIDS epidemic cannot be tackled without also addressing the question of education. In other words, global problems of this type require expertise from a variety of disciplines.

In the run-up to the UN Conference, it was civil society and the emerging NGO network that first emphasized the multi-dimensional nature of the threat arising from the proliferation and misuse of small arms and light weapons. From the earliest days of the International Action Network on Small Arms (IANSA) in the second half of the 90s, it was clear that the presence of too many small arms in the wrong hand was creating problems across many dimensions.

Following the example of the International Campaign to Ban Landmines (ICBL),⁷⁹ the problem was presented as a *humanitarian* issue. IANSA cited the some 500,000 deaths occurring annually from these weapons as primary evidence. *Human rights* NGOs stressed that the availability of small arms was linked to human rights violations. *Development* NGOs pointed to the impact on development resulting from the violence and instability accompanying these weapons. Advocates of the *well-being of children* noted that in weapons-abundant societies children not only become physical casualties through death and injury, but also suffer psychologically from the weapons abundant environment. In addition, the phenomenon of child soldiers was being fuelled by the abundance of lethal, yet user-friendly, military weapons. *Public health* advocates pointed out that small arms-related injuries qualified as a pandemic and began to treat the problem accordingly. And those concerned with *crime*, both nationally and transnationally, saw the uncontrolled trade in both legal and illicit arms as a major factor in its increase.

National governments, however, have been slow to accept the multi-dimensional reality of the small arms problem. Since the countries took up the issue at the global level within the framework of the First Committee of the UN General Assembly, it was predictable that the

⁷⁸ Even though necessary, this comprehensive inclusion makes it also more complicated because there is a abundance of interest groups involved and there is a lack of prioritization and coordination among them.

⁷⁹ The ICBL successfully mobilized a global campaign to ban anti-personnel landmines in 1997. See Ken Rutherford, 2000, "The Evolving Arms Control Agenda: Implications of the Role of NGOs in Banning Antipersonnel Landmines," *World Politics* 53(1), 74–114.

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primary focus for states would be on *arms control* and *traditional security* – leaving aside the various other aspects of the problem. This narrow view was reinforced by the fact that every state legitimately produces, stockpiles, exports, and/or imports small arms and light weapons for its own defense and international security needs. The result at the 2001 UN Small Arms Conference was resistance by the United States and other influential negotiating countries to recognizing small arms as anything other than a military or security problem.

In developing an effective framework to deal with small arms as a multi-dimensional problem, two obstacles have to be overcome: First, there are several aspects of the issue that have been ignored at the state level, including, most notably, the human rights and humanitarian dimensions. A combination of factors has led to the down-playing of the humanitarian aspects of the small arms problem. As was demonstrated in both the efforts to ban anti-personnel landmines and to establish the International Criminal Court (ICC), focusing on the humanitarian aspects of global issue enhances the prospect of a greater number of governments signing on.⁸⁰ And yet, there is still no effective coalition of states, international organizations (IOs), and NGOs resembling the NGO-middle power movement that led to the ban of landmines in the course of the Ottawa process.

Despite the work of such IOs as the UNDP,⁸¹ most states pay only lip service to the link between small arms and development. This is especially true of some developing countries, who do not want their development priorities dictated or shaped by policies designed to control or manage the small arms problem. States in general remain reluctant to take a multi-dimensional approach to the small arms issue, with very few governments integrating departments and ministries for the various policy areas into the overall national effort to address the problem.

A second challenge is to develop a structure in which these various areas can be combined at the international level. While many meetings continue to be held at the regional and global levels, participants, especially those representing governments, are mostly specialists in arms control and national security. To date, the only global forum dealing with small arms on a regular basis is the First Committee of the UN General Assembly, a situation that is not very conducive to the development of an effective international action framework for small arms.

⁸⁰ See Don Hubert, 2000, *The Landmine Ban: A Case Study in Humanitarian Advocacy*, Occasional Paper No. 42, Providence, RI: Brown University, Thomas J. Watson Jr Institute for International Studies.

⁸¹ The UNDP has in fact led the way in making the link quite explicit between small arms and development. See also <http://www.undp.org/erd/smallarms/pubs.htm>.

3.2 Small arms activities outside the UN framework

Before the UN Small Arms Conference, there have already been a lot of different activities initiated. Most of them have a national or regional origin, but some also attempt to have a global reach. Regional and international governmental organizations as well as governments have launched most of the initiatives. Others have their origins from NGOs and business sector.⁸² In general, the problems of small arms can be approached by legal and political measures and/or practical disarmament measures in the field.⁸³ Thereby, the first approach rather focuses on the supply side, whereby the second deals more with demand side problems.

Legal and political measures range on a continuum from the national to the global level and from arms register to embargo. *Arms registers* increase transparency on the flow of weapons. Some experts have advocated an extension of the existing UN Register of Conventional Weapons to include also SALW,⁸⁴ while others propose the creation of a separate global register (Brown, 1998). Still others think that a regional approach may be more effective since it can address more specific problems and is not dependent on the consent of non-regional third parties basically unwilling to cooperate.⁸⁵ *Codes of conduct* establish export principles for certain kinds of weapons.⁸⁶ Normally, they are only politically binding and include rather weak consultation mechanisms. More stringently formulated are *export control* mechanisms; even though in most cases they are not legally binding.⁸⁷ At the other end of the scale,

⁸² For recent developments and regional initiatives see Sarah Meek, "Combating Arms Trafficking: Progress and Prospects," in Lora Lumpe, ed. *Running Guns: the Global Black Market in Small Arms*, London: Zed Books, 2000, pp. 183-206 and Chapter 7 on "Tackling the Small Arms Problem: Multilateral Measures and Initiatives," in Small Arms Survey, ed. *Small Arms Survey 2001: Profiling the Problem*, Oxford: Oxford University Press, 2001, pp. 251-291.

⁸³ Practical disarmament was introduced together with the term micro-disarmament in *Supplement to an Agenda for Peace*. Position Paper of the Secretary-General on the Occasion of the Fiftieth Anniversary of the UN. UNGA Document A/50/60, 25 January 1995.

⁸⁴ Mitsuro Donowaki, "The Expansion of the Scope of Register: Background and Future Prospect," Chapter V in Malcolm Chalmers, Mitsuro Donowaki, Owen Greene, eds. *Developing Arms Transparency: The Future of the UN Register*. University of Bradford, UK, 1997. Edward J. Laurance opposes an extension of the UN Register of Conventional Weapons, since much of the small arms flow is illicit and, therefore, needs other tracking methods. Edward J. Laurance, "Dealing with the Effects of Small Arms and Light Weapons: A Progress Report and the Way Forward." Paper presented to the Conference on Controlling the Global Trade in Light Weapons. Washington, DC, December 1997.

⁸⁵ Susanne L. Dyer and Natalie Goldring, 1995, "Analysing Policy Proposals to Limit Light Weapons Transfers." Jasjit Singh, ed. *Light Weapons and International Security*. Indian Pugwash Society and BASIC, New Delhi, 128.

⁸⁶ Under these principles fall the respect for the international commitment of the provider state, the respect of human rights in the recipient state, the internal situation in the recipient state with respect of tensions or armed conflicts, preservation of regional peace, security and stability, the national security of the provider state, the behavior of the buyer country with respect to the international community and others more.

⁸⁷ Joseph Smaldone, "Mali's proposed Arms Moratorium: A West African Regional Arms Control Initiative." Paper presented at the Workshop on Controlling the Global Trade in Light Weapons. Cambridge, MA, December 1997.

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embargoes are considered the strictest non-military action against states that violate certain principles. They are normally declared after the outbreak of a conflict or serious violation of international law. In most cases, they are only used for a limited period of time.⁸⁸

Table 3.1: Actual and Potential Initiatives at Different Geographical Levels

Level of initiative	National	Regional	Global
Measures			
Arms Register	National licensing and domestic registers ⁸⁹	OAS Convention ⁹⁰	(planned) international register of SALW ⁹¹
Code of conduct	US Code of Conduct ⁹²	EU Code of Conduct ⁹³	(proposed) Framework Convention on International Arms Transfers ⁹⁴
Export control	National export regulations	West African Regional Arms Control Initiative ⁹⁵	(expanded and modified) Wassenaar Arrangement ⁹⁶
Embargoes	Unilateral Sanctions against States in war or violation of humanitarian law	EU embargo against States in war or violation of humanitarian law ⁹⁷	UN sanctions against States in war or violation of humanitarian law ⁹⁸

⁸⁸ Loretta Bondi, "Arms Embargo." Paper presented at the Symposium on Targeted Sanctions, 7 December 1998 (http://www.iansa.org/documents/research/1999/oct_99/bondi_article.pdf). Last checked September 2002.

⁸⁹ To date, 11 countries have adopted laws on brokering, however with various degrees on strictness, comprehensiveness, and specificity. See Loretta Bondi. *Expanding the Net: A Model Convention on Arms Brokering*. Washington, DC: Fund for Peace, 2001, p. 6; Loretta Bondi and Elise Keppler. *Casting the Net? Implication of the US Law on Arms Brokering*. Washington, DC: Fund for Peace, 2001, p. 52.

⁹⁰ The Inter-American Convention was adopted by the General Assembly of the Organization of American States (OAS) in Washington, DC, 13 November 1997. See text on <http://www.iansa.org/documents/regional/reg5.htm>. Last checked September 2002.

⁹¹ See model register as proposed in Angus Brown. *An International Register of Small Arms and Light Weapons: Issues and Model*. Department of Foreign Affairs and International Trade, Canada. Ottawa, October 1998.

⁹² See for information on International Arms Sales Code of Conduct Act of 1999 <http://www.fas.org/asmp/campaigns/code/intlcodetext.html>. Last checked September 2002.

⁹³ The EU Code of conduct was adopted by the European Parliament on 14 May 1998. See text on <http://www.iansa.org/documents/regional/reg2.htm>. Its scope was expanded with the adoption of EU Council Joint Action (2002/589/CFSP) on 12 July 2002. See text on http://europa.eu.int/eur-lex/pri/en/oj/dat/2002/l_191/l_19120020719en00010004.pdf. Last checked September 2002.

⁹⁴ On the background of the Framework Convention on International Arms Transfers see <http://www.arias.or.cr/fundarias/cpr/code.htm>. Last checked September 2002.

⁹⁵ On the background of the Moratorium on Light Weapons in West Africa see <http://www.nisat.org/west%20africa/african.htm>. Last checked September 2002.

⁹⁶ See Wade Boese, "Wassenaar Members Remain Divided on Arrangement's Scope," *Arms Control Today*, (December 1999). Online version available at http://www.armscontrol.org/act/1999_12/wade99.asp. Last checked September 2002.

⁹⁷ As an example see the Common Position of 26 February 1996 defined by the EU Council of ministers on the basis of Article J.2 of the Treaty on European Union concerning arms exports to the former Yugoslavia (96/184/CFSP). See last amendment to this Common Position on 8 October 2001. (http://europa.eu.int/eur-lex/pri/en/oj/dat/2001/l_268/l_26820011009en00490049.pdf) Last checked September 2002.

⁹⁸ As an example see the Security Council resolution of March 31, 1998 on the imposition of an arms embargo against Yugoslavia (S/RES/1160(1998)) (<http://www.un.org/peace/kosovo/98sc1160.htm>). Last checked September 2002.

Micro-disarmament projects in post-conflict societies as the most prominent form of practical disarmament measures for small arms are often performed during – or shortly after – UN peace-keeping missions. There are different forms of gun-exchange programs conducted by NGOs and often funded by national governments.⁹⁹ By providing incentives the willingness can be increased to turn in the weapons of soldiers and other armed individuals. Incentives can include cash, goods, services, education, work, land or housing facilities.¹⁰⁰

The interplay between regional and international processes was an important part of the politics surrounding efforts to develop concerted international action on small arms proliferation issues.¹⁰¹ Regional organizations provided an important focus for wider agenda setting and coalition building, while the planned Conference process helped to stimulate action at the regional and national levels.¹⁰² It is also important to recognize the important interactions between the Conference process and other international negotiations, particularly those resulting in the legally binding UN Firearms Protocol.¹⁰³ In the following paragraph I will assess regional small arms initiatives, mainly focusing on the OSCE and EU activities.

The OSCE 2000 Document on Small Arms and Light Weapons

After two years of relative neglect of the small arms topic, the Organization for Security and Co-operation in Europe (OSCE) agreed at its November 1999 Istanbul summit to mandate the OSCE Forum on Security Co-operation to initiate discussions on the problem of small arms proliferation. The OSCE provided a framework within which Canada, Norway, Switzerland, the United States, and the EU member states could co-ordinate positions and aim to persuade

⁹⁹ The CIA also used financial incentives to take Stingers off the black markets they had originally distributed to the Mujahedin in Afghanistan to fight the Soviet invasion in the 1980s. Even though, these buy-back programs can be regarded as positive incentive to solicit reluctant parties to cooperate they pose moral hazard and legal problems. On moral hazard in arms control and on incentives in nuclear disarmament in general see Thomas Bernauer and Dieter Ruloff, eds. *The Politics of Positive Incentives in Arms Control*. Columbia: University of South Carolina Press, 1999, esp. pp. 29-30. On CIA buy back see Michael Renner. *Small Arms, Big Impact: The Next Challenge to Disarmament* (Worldwatch Paper 137). Washington, DC: Worldwatch Institute, 1997, p. 39. On practical disarmament see Sverre Lodgaard, ed. *Practical Disarmament*. Conference Proceedings. Oslo: NUPI, 2001.

¹⁰⁰ See different forms of these programs in *Tackling Small Arms and Light Weapons: A Practical Guide for Collection and Destruction*. Bonn International Center for Conversion and Program on Security and Development (SAND, Monterey Institute of International Studies), February 2000, pp. 7-9.

¹⁰¹ See Owen Greene, 2001, *The 2001 Conference and Other Initiatives*, Background Paper, Geneva: Small Arms Survey.

¹⁰² See the events listed in the Annex to the final report of the UN Small Arms Conference (UNGA, 2001, Report of the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All its Aspects. July. A/CONF.192/15. <http://www.un.org/Depts/dda/CAB/smallarms/files/aconf192_15.pdf>.

¹⁰³ See United Nations General Assembly, 2001, Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, Supplementing the United Nations Convention against Transnational Crime ('Firearms Protocol'). Reproduced in UN document A/RES/55/255 of 23 March 2001.

other OSCE member states – particularly Russia, Ukraine, and other countries of the former communist block – to agree on substantial measures to deal with the small arms issue. Within a year, a document could successfully be negotiated. On 24 November 2000, the OSCE adopted the *OSCE Document on Small Arms and Light Weapons*.¹⁰⁴ This comprehensive, politically binding document contains many measures that are directly applicable to both the national and regional level, with the added relevance of having been approved by 55 countries.

The *OSCE Document* contains such supply-side obligations as export controls. It also calls on states to exchange information on national small arms policy. As a result, the OSCE conducted a first information exchange on small arms in 2001. An assessment was commissioned for the first exchange, and a workshop held to discuss the results on 4-5 February 2002. This led to the development of a reporting template for the second information exchange on small arms, conducted in June 2002. The 2002 exchange included information on imports and exports, destruction, surpluses, and seizures of SALW, as well as stockpile management and security procedures. Some OSCE members viewed the agreement as a source of measures to be adopted at the global level. Other states, particularly the United States and Russia, used the document as evidence that the basic work to solve the small arms problems should be conducted primarily at the regional level.

The EU Plan of Action

Cooperation among EU members to combat small arms proliferation is relatively recent.¹⁰⁵ However, since mid-1997, the EU has shown an increasing willingness to tackle the causes and effects of this problem. Several agreements have been concluded, focusing on the control of legal transfers, tackling illicit trafficking, and reducing levels of small arms in affected regions. The EU is thus well-placed to make a contribution to international efforts to control the spread and misuse of small arms. The first substantive EU initiative to control small arms was agreed by its member states in June 1997 in the form of the European Union Programme for Preventing and Combating Illicit Trafficking in Conventional Arms (EU Council 1997). This program translates the member states' desire to "take concrete measures to curb the illicit

¹⁰⁴ Organization for Security and Cooperation in Europe (OSCE). Forum for Security Co-operation. 2000. OSCE Document on Small Arms and Light Weapons ('OSCE Document'). FSC.DOC/1/00 of 24 November. <http://www.osce.org/docs/english/fsc/2000/decisions/fscew231.html>.

¹⁰⁵ Note that article 296 of the Treaty establishing the European Community (ex article 223 of the Treaty of Rome) stipulates that matters relating to arms production and trade remain in the hands of member states. As a result, arms related issues must be dealt with the Council of the European Union, the inter-governmental body of the EU.

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traffic and use of conventional arms” (Preamble, para. 5), mandating action in three main areas:

1. strengthening collective efforts to prevent and combat the illicit trafficking (para. 1);
2. assisting affected countries by building the capacity local authorities and by promoting cooperation (para. 2); and
3. seeking to reduce the number of arms through weapons collection and destruction programs (para. 3).

In June 1998, the Council of the EU agreed on a *European Code of Conduct on Arms Exports* (EU Council, Code of Conduct, 1998), marking a new phase on arms issues among EU members. Introduced as an initiative by the UK Presidency of the EU, the *Code* involved significant political movements on the part of EU governments and a recognition of the need for “high common standards which should be regarded as the minimum for the management of, and restraint in, conventional arms transfers by all Member States” (Preamble). The Code of Conduct governs transfers of all types of conventional arms – including small arms and light weapons – as well as the export of dual-use equipment destined for the armed forces or other security forces of the recipient state. The development of a *Common Control List* was identified as a priority when the *Code* was agreed in June 1998, though it was finalized only at the end of the Portuguese EU Presidency – two years later.

Motivated by the German government’s desire for a comprehensive EU mechanism that addressed both control and reduction aspects of small arms proliferation, the EU Council agreed on a *Joint Action* on small arms in December 1998 (EU Council, Joint Action, 1998). Its stated objectives are:

- to combat the destabilizing accumulation and spread of small arms;
- to contribute to the reduction of existing accumulations of these weapons; and
- to help solve the problems caused by such accumulations (article 1).

An Annex to the *Joint Action* lists the equipment it covers, including a range of small arms and light weapons extending from machine guns to anti-aircraft missiles, but not ammunition. The *Joint Action* is premised upon the need for a partnership approach between the EU and affected countries – mainly in the global south – in order to effectively tackle the problem of small arms proliferation. While the *Joint Action* has received considerable support, including

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from the EU Associate countries and the member of ECOWAS¹⁰⁶, implementation thus far has focused on just a few countries, including Albania and Cambodia. The partnership orientation of the *EU Joint Action* represents a potentially productive means of tackling accumulations of small arms in affected regions.

In May 1999, the Development Council of the EU Council of Ministers agreed on a small arms resolution that builds upon the commitments already made by EU members (EU Council, Emergency Aid, 1999). It asserts that

An integrated and comprehensive approach is required by the international community which adequately addresses the complexity of the small arms problem and its political, economic and social causes and takes account of the aspect of security as a prerequisite for development.

Measures deserving particular attention include encouraging countries to eliminate surplus weapons, combating illicit trafficking, ensuring effective demobilization, and challenging cultures of violence. Given the progress already made there on frameworks for combating small arms proliferation the Resolution also points to the SADC¹⁰⁷ and ECOWAS sub-regions as especially worthy of EU attention. It also stresses the importance of continued consultation and cooperation with relevant agencies at global, regional, and national levels, as well as adequate coordination within the EU itself.

In December 2000, the EU adopted a Plan of Action which was designed to be easily transferred to a global level. It contained many elements of the previous EU initiatives. Key elements of the EU *Plan of Action*, that were to surface as the EU position in the global negotiation process, included:

- a strong commitment to international humanitarian law and human rights;
- linking security and development;
- restrictive national legislation;
- support for regional moratoriums;
- transparency of legal transfers;

¹⁰⁶ The Economic Community of West African States (ECOWAS) members are Benin, Burkina Faso, Cape Verde, Côte d'Ivoire, Gambia, Ghana, Guinea, Guinea-Bissau, Liberia, Mali, Niger, Nigeria, Senegal, Sierra Leone, and Togo. For more information see the official website <<http://www.sec.ecowas.int/>>.

¹⁰⁷ Member states of Southern African Development Community (SADC) are Angola, Botswana, Democratic Republic of the Congo, Lesotho, Malawi, Mauritius, Mozambique, Namibia, Seychelles, South Africa, Swaziland, Tanzania, Zambia and Zimbabwe. For more information see the website of the South African Department of Foreign Affairs <<http://www.dfa.gov.za/foreign/Multilateral/africa/sadc.htm>>.

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- universal standards for marking of weapons;
- regional codes of conduct to control arms exports; and
- capacity-building in support of national and regional actions (EU Council, Plan of Action, 2000).

In the implementation section, the EU *Plan of Action* called for increased cooperation, extensive information exchange, effective tracing of weapons through the negotiation of an international convention, linking assistance to a state's compliance with human rights and international humanitarian law norms, and the facilitation of the active involvement of civil society. Though they all agreed to the EU *Plan of Action*, there were important differences of opinion between EU members in some areas. While the regional declarations provided useful for the global negotiation process, many EU members warned that measures applicable to regions might not be suitable at the global level.

3.3 Looking for the appropriate forum

After being bypassed by NGOs and a core group of states during the Ottawa process, the United Nations wanted to re-assert control of future arms control processes. To better coordinate the UN activities, Secretary-General Kofi Annan pooled the UN policies on small arms and light weapons under the roof of the UN Department for Disarmament Affairs in August 1998. The Coordinating Action on Small Arms (CASA) helped to facilitate and harmonize different actions under the auspices of the United Nations ranging from different departments and branches responsible for political affairs, humanitarian affairs, peacekeeping operations, development program, economic and social affairs, crime prevention and criminal justice, refugee relief and children in armed conflict.¹⁰⁸

The reaction of the Secretary-General was long overdue since the most influential and primarily responsible UN body on disarmament issues, the Conference on Disarmament in Geneva, has never established a negotiating committee, even though conventional weapons have been on its agenda for years.

The United Nations was criticized that it was too slow and would not be able to coordinate the different efforts of the UN subgroups and regional organizations.¹⁰⁹ There was considerable

¹⁰⁸ See the report by the Department of Disarmament Affairs on <http://www.un.org/Depts/dda/CAB/casa.htm>.

¹⁰⁹ In a paper presented at a regional conference in November 1998, Paul Lansu discusses the role and activities of several regional and international organizations in the context of international regulations. Paul Lansu, 1998, "Light Weapons, the Question of International Regulations, and the Role of both Global and Regional Institutions," London, International Action Network on Small Arms, November 1998.

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displeasure by NGOs and some mid-size states, already active in banning landmines, about UN's inactivity and blockade by the great powers. They wanted immediate action based on their analysis that more than 90 percent of casualties¹¹⁰ by small arms have been among civilians:

Land mines are not the only complex, cross-cutting problem to be addressed if we are to reduce or prevent conflict. All too often it is small arms, rather than the weapons systems targeted by disarmament efforts, that cause the greatest bloodshed today. In the hands of terrorists, criminals and the irregular militia and armed bands typical of internal conflict, these are the true weapons of mass terror.¹¹¹

Actual UN action started in December 1995 when the General Assembly adopted a resolution requesting the Secretary-General to prepare a report with the assistance of governmental experts.¹¹² On another UN track, the Commission on Crime Prevention and Criminal Justice requested the Vienna-based Centre for International Crime Prevention in 1995 to carry out a study on firearm regulation. Based on the 'International Study on Firearm Regulation' the General Assembly passed a resolution in December 1998 mandating the UN Commission for Crime Prevention and Criminal Justice to work out a 'Draft Protocol Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition and Other Related Materials'.¹¹³ Negotiations on that draft protocol began in Vienna in January 1999, and it makes part of the 'Convention Against Transnational Organized Crime'. This so-called 'Vienna process',¹¹⁴ is the first global measure regulating international (criminal) transfers of small arms by establishing enforcement mechanisms for crime prevention and the prosecution of traffickers. This protocol establishes internationally recognized marking, registration and traceability standards for firearms.¹¹⁵ Even though, the Vienna process does not directly apply to state-to-

<http://www.iansa.org/documents/research/1999/sept_99/lansu_small_arms.pdf> (Last checked March 2003).

¹¹⁰ 90 percent figure from Clegg. "NGOs Take Aim," 50.

¹¹¹ Speech by Canadian Foreign Minister Axworthy, UN General Assembly, September 25, 1997. <http://www.un.int/canada/html/s-25sepe.htm>, last checked December 2004.

¹¹² UN General Assembly resolution A/RES/50/70, adopted December 12, 1995, 2-3.

¹¹³ David Biggs. "United Nations Contribution to the Process." *Disarmament Forum* II/2000, 32.

¹¹⁴ Information by the UN Department for Disarmament Affairs on the UN Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects <<http://www.un.org/Depts/dda/CAB/smallarms.bout.htm>>.

¹¹⁵ During its fifty-fifth session, the General Assembly adopted the protocol with the Resolution 55/255 (31 May 2001) and opened it for signature. <http://www.unodc.org/unodc/crime_cicp_signatures>

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state arms transactions, it shows close bonds between these issues. Experience in marking, registration and traceability of non-state weapons transfer could be useful in controlling the spread and misuse of military-style small arms and light weapons. This aspect was also highlighted in the 'Report of the Panel of Governmental Experts on Small Arms' presented in August 1997. The experts recommended studies on establishing a reliable system for marking small arms and establishing a database of authorized manufacturers and dealers to restrict such activities by unauthorized actors.¹¹⁶ The subsequent 'Report of the Group of Governmental Experts on Small Arms' emphasized this claim again and encouraged the United Nations to take into account the need to control ammunition and explosives in its activities relating disarmament, demobilization and reintegration of ex-combatants in the context of UN peace-keeping missions.¹¹⁷ Both reports highlighted the importance of convening an international conference on the illicit arms trade in all its aspects.¹¹⁸

To prepare such a suggested event, three Preparatory Committees for the 'UN Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects' were planned. The first session took place in New York from February 28 to March 3, 2000. At this first session, the governments set the date and venue of the actual UN Small Arms Conference. Other relevant matters of the conference such as the specific objective, draft agenda, draft rules of procedure and draft final document, were considered on the second session from January 8-19 and third session from 19-30 March 2001 (Biggs 2000: 34).

At the first session, governmental officials submitted discussion papers, built coalitions with like-minded states and interacted with NGO delegates. 32 NGOs from 13 different countries were present at the first session and actively consulted with member states and the UN Secretariat on a number of issues such as the prospect of NGOs circulating and receiving documents and addressing the plenary sessions. Full participation of the NGOs would be in line with the Secretary-General's remark that the preparatory process would gain from receiving the expertise and know-how of NGO representatives and academic community.¹¹⁹

firearms.html> See also Chris Smith. "The 2001 Conference: Breaking out of the Arms Control Framework." *Disarmament Forum* II/2000, 41.

¹¹⁶ Report of the Panel of Governmental Experts on Small Arms, A/52/298, August 27, 1997, 23.

¹¹⁷ Report of the Group of Governmental Experts on Small Arms, A/54/258, August 19, 1999, pp. 18-19, 20. Another group of experts prepared a report on the ammunition issue for the Secretary-General in the same year. Report of the Group of Experts on the Problem of Ammunition and Explosives, A/54/155, June 29, 1999.

¹¹⁸ A/52/298, p. 23, A/54/258, 22-24.

¹¹⁹ A/54/260, August 20, 1999, 3.

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The UN Small Arms Conference took place after a decade during which a series of global problems was addressed by means of well-developed systems for the making of a regulatory framework. Was this Conference proof that the problems associated with small arms and light weapons were being addressed in a similar fashion? How does it compare to the other conferences held by the United Nations during the 1990s on other global issues? Was it a first step towards a general regulative framework or merely an opportunity for states to make political declarations devoid of real intent to address the problems in operational terms?

4 THE PRODUCTION SIDE

[The domestic small arms industry in the United States is] like a pyramid in terms of companies, and an upside-down pyramid in terms of volume. [...] A few giant companies make most of the guns [...] and an] assortment of many other small manufacturers make the rest, some as few as one gun a year.¹²⁰

—Tom Diaz,
Making a Killing, 1999.

4.1 Small arms, big business

The production of small arms is a big, and growing, business – at least in terms of the number of countries that produce them. Based on existing information, small arms are produced in more than 1,000 companies in at least 98 countries around the world. The number of countries would be certainly well above hundred if illicit and clandestine production were included. The problems – development, security, health and human rights – associated with the wide-spread availability, proliferation, and use of small arms are often linked to the circulation of existing stocks or the sale of surplus weapons. These effects cannot certainly be denied, but are only part of the whole picture.

New small arms entering the global weapons market are also contributing to these problems. These weapons – more accurate, easier to operate, lighter, and also cheaper – are appearing on the international arms market at a significant rate. In addition, production of weapons and ammunition continues in a large and growing number of countries and companies.

The small arms industry is the most widely distributed and fractioned sector of the global defense industry. While its absolute size, in terms of output and capacity, has declined in recent years, the number of actors, both in terms of companies and countries that manufacture

¹²⁰ Tom Diaz, 1999, *Making a Killing: The Business of Guns in America*, New York: The New Press, 23.

small arms, has increased since the end of the Cold War.¹²¹ Furthermore, after downsizing and privatizing manufactures run by government in the aftermath of the Cold War and emerging globalization and liberalization most production now takes place in private companies. These trends reduce the ability of governments to effectively control the production, possession, and trade in small arms and light weapons.

The growing number of small arms product and producers, both legal and illicit, has far-reaching consequences. First, in terms of straight numbers, the diffusion of small arms makes their accessibility, even to civilians, an issue of concern.¹²² Secondly, this almost uncontrolled growth – especially in the area of illicit production – threatens to undermine attempts to control their legal manufacture, possession and trade. Some of the countries allegedly active in the illicit proliferation of the small arms are also some of the world’s major producers.¹²³ Thus, it is important for governments to be held accountable for the production of small arms that takes place within their territories or conducted by their citizens. This also includes the active prosecution of illicit production and trafficking.

This chapter attempts to provide a survey of the global small arms production. It analyzes the world’s small arms industry in terms of its geographic distribution, key trends, and patterns, and provides some estimates of the current value and volume of global production. It identifies the most important producer countries and offers a tentative ranking of the world’s known and assessed legal small arms producers. It provides information on some of the world’s most popular and widely-distributed small arms – specifically handguns, assault rifles, sub-machine guns, and machine guns – that are in the hands of government security and police forces, rebel groups and terrorists, and individuals.¹²⁴

The global small arms industry is all but homogeneous. This also explains why it is very difficult to find common standards and regulation that go beyond mere intents and promises. This is particular true on the global level. There are significant differences between the natures of production in different areas of the world. This chapter presents a number of regional and national examples, as well as information about particular companies and

¹²¹ Including the newly independent countries explains part of the increase of countries producing small arms. But the number of new producers exceeds the number of the former.

¹²² See Wendy Cukier and Antoine Chapdelaine. 2001. “Small Arms: A Major Public Health Hazard.” *Medicine & Global Survival* 7(2), April, 26-32.

¹²³ See report by Suzette R. Grillot, 2003, *Central and Eastern Europe: A Regional Assessment of Small Arms Control Initiatives*, Security and Peacebuilding Programme, Global Issues Department, International Alert.

¹²⁴ This chapter does not examine light weapons products in any detail such as portable anti-aircraft and anti-tank guns, mounted grenade launchers, or the companies and countries that produce them.

products. This helps to illustrate some to the key characteristics of the global small arms industry. In particular, the following questions will be addressed:

- What is the nature and scope of the global small arms industry?
- Which countries legally produce small arms?
- What are the world's most popular legal and illicit small arms products in terms of numbers produced and distributed?
- In which countries does illicit small arms production occur?

4.2 The global production by the small arms industry

Much has been written about the global defense industry, particular about the major producers of conventional weapons.¹²⁵ However, far less attention has been paid on the global small arms sector, which is part of the defense industry in general, but is also distinctive in many ways. This is particular true for the production of non-military style firearms.

Table 4.1: Acquisitions of small arms producers (selected)

Target company	Purchaser	Date
Heckler & Koch (Germany)	BAE Systems/Royal Ordnance (UK)	1991
SK Jagd- und Sportmunitions (Germany)	Nammo Lapua Oy (Finland)	1992
Carl Walther (Germany)	Umarex Sportwaffen (Germany)	1993
Suhler Jagd- und Sportwaffen (Germany)	Steyr-Mannlicher (Austria)	1994
Luigi Franchi (Italy)	Beretta (Italy)	1995
Mauser Werke (Germany)	Rheinmetall DeTec (Germany)	1996
Buck Werke (Germany)	Rheinmetall DeTec (Germany)	1998
Sako Ltd (Finland)	Beretta (Italy)	1999
Vursan (51%) (Turkey)	Beretta (Italy)	1999
Eurometaal (66%) (Netherlands)	Rheinmetall DeTec (Germany)	1999
Australia Defence Industries (Australia)	Thomson-CSF (France)	1999
Oerlikon Contraves (Switzerland)	Rheinmetall DeTec (Germany)	2000
SIGARMS Group (Switzerland)	German investors group	2000
Saco Defense (US)	General Dynamics (US)	2001
Santa Barbara (Spain)	General Dynamics (US)	2001
Primex Technologies (US)	General Dynamics (US)	2001
Smith & Wesson (US)	Saf-T-Hammer Corp (US)	2001
SIG Arms Ammo (Switzerland)	Rheinmetall DeTec (Germany)	2001

Source: Company reports in SAS 2002: 12

The apparent increase in the number of companies, and countries, involved in some aspect of small arms production does not necessarily indicate an increase in the absolute size, or

¹²⁵ For a good theoretical introduction see Todd Sandler and Keith Hartley, 1995, *The Economics of Defense*, Cambridge: Cambridge University Press. See also William W. Keller, 1995, *Arm in Arm: The Political Economy of the Global Arms Trade*, Basic Books.

production capacity, of the global small arms industry. What is clear is that the industry is more widely distributed than was previously known. However, the global small arms industry is smaller today than it was during the 1980s and 1990s in terms of the volume of production, and has also less production capacity. Furthermore, even though more than half of the world's countries are currently engaged in the production of small arms, the international market for small arms is still dominated by only 13 countries (SAS, 2001, 15).

Like the defense industry more generally, the small arms industry has become more concentrated in recent years through mergers and acquisitions (see table 4.1) in response to factors like cuts in defense spending and the decline in demand as a result of defense downsizing, particularly in NATO countries and in the countries of the former Soviet Union. This concentration has taken place mainly at the company level. For example, some of the world's well-known small arms producers have been acquired either by larger companies (e.g. Saco Defense acquired by General Dynamics) or by other major small arms producers (e.g. Sako Limited acquired by Beretta). The diversity of countries and companies producing small arms makes it difficult to generalize about trends in the global small arms industry.

In attempting to estimate more precisely the global value and volume of small arms production, this section makes a distinction between military-style small arms and commercial firearms, and associated ammunition. In the last few years more detailed data on small arms production, particularly production of commercial firearms, has become available, and it is now possible to provide more reliable estimates of the value and volume of global production.

Volume of production

Military-style small arms: The *Small Arms Survey 2001* estimated that more than 815,000 military-style small arms (pistols, rifles, sub-machine guns, and machine guns) were produced worldwide during 2000 (SAS, 2001, 12-13). This figure was less than half the annual average production of 2.1 million during the period of 1980 to 1999. It appears that the volume of global production of military weapons has continued to decline in recent years, and it is estimated that approximately 720,000 weapons were produced worldwide during 2001 (Forecast International, 2002); but these estimates of global production have to be treated with great caution.¹²⁶ The acquisition of small arms for the US armed forces amounted to nearly

¹²⁶ Many of the countries and companies identified by other sources are not included in the Forecast International estimates.

40,000 in 2000, representing five per cent of the global volume of production. No significant increase in domestic production for the US armed forces has been expected for 2001.¹²⁷

Commercial firearms: New information suggests that the global volume of production of commercial firearms in 2000 was approximately seven million. According to new estimates compiled by the World Forum on the Future of Sport Shooting Activities (WSFA), approximately 6.9 million commercial firearms were produced worldwide during 2000.¹²⁸ Nearly three-quarters of the total were produced in the United States (four million) and in the European Union (1.1 million). The rest was produced in countries such as Brazil, China, Canada, Japan, and Russia (WSFA, 2001). While figures for US production can be confirmed by annual production figures from the Bureau of Alcohol, Tobacco and Firearms (BATF), there is no way of confirming the figures for other countries. According to the BATF, more than one million firearms are imported into the United States every year.¹²⁹ Furthermore, the WSFA figures do not give any indication of long-term trends in the global production of commercial firearms. It is worth noting that the ratio of the volume of global production of commercial firearms to military-style small arms is approximately 9:1. In the United States the ratio is even 100:1.

Ammunition: The Small Arms Survey 2001 estimated that at least 15 billion units of military-caliber small arms ammunition, of all types and calibers, were produced worldwide during 2000 (SAS, 2001, 14). This figure was significantly lower than the average annual production of 21 billion units during the period of 1980 to 1999. The volume of global small arms ammunition production has remained relatively constant in recent years, and it is estimated that approximately 16 billion units were produced during 2001 (Forecast International, 2002). These estimates of global production likewise have to be treated with great caution.¹³⁰ The acquisition of small arms ammunition for the US armed forces amounted to approximately one billion units in 2000, representing six per cent of the volume of the global production. No significant increase in domestic production for the US armed forces is expected during 2001. But these might be significantly higher in 2002 and 2003 in the follow-up of the 'war on

¹²⁷ Information from Forecast International (2002) suggests that the US army procured 29,000 small arms in 2000, and was likely to procure 25,000 in 2001. No figures are available for Navy, Air Force, and Marine Corps procurement.

¹²⁸ WSFA, 2001, *The Facts*, Rome: WSFA. These figures are difficult to verify, although the figures for the US production can be confirmed by annual production figures from the BATF.

¹²⁹ BATF, 1999, *Annual Firearms Manufacturing and Export Report*, Washington, DC: Department of the Treasury.

¹³⁰ Many of the countries and companies identified by other sources as current producers of military-caliber small arms ammunition are not included in the Forecast International estimates.

terrorism,' especially in Afghanistan and Iraq. No information on the volume of production of ammunition for commercial firearms is available. These estimates for the volume of global arms production in 2000 are still preliminary, and are not directly comparable with other figures. Based on the information above, it seems that the volume of global small arms production, particularly military-style weapons, is declining, largely because of lower demand. The trends in the volume of global production of commercial firearms are, however, more difficult to determine. The volume of the production of ammunition, particularly military-caliber ammunition, seems to be relatively constant. Overall these trends in the volume of production seem to suggest that the current production capacity of the global small arms industry is smaller than during the Cold War era.

Value of production

Military-style small arms: If we assume that at least 815,000 military-style small arms were produced on a global scale during 2000, and using the average price of 410 US\$ paid for an M16 rifle by the US armed forces during 2000 as a rough proxy, the value of global production of military-style small arms in 2000 can be estimated at US\$ 335 million.¹³¹

Commercial firearms: The total value of production of commercial firearms in the United States in 1997 was US\$ 1.2 billion, and the total number of firearms produced in that year was 3.5 million.¹³² This means that the average price of each firearm was US\$ 335. Using this figure, adjusted to 2000 prices (US\$ 358) as a rough proxy, the value of global firearms production in 2000, based on the estimate of worldwide production of seven million commercial firearms, can be estimated to be at least US\$ 2.5 billion.

Ammunition: Information on the value of global small arms ammunition production is even more difficult to obtain. It is estimated that 1.06 billion units of military-caliber small arms ammunition, of all types, were produced by the US armed forces during 2000. The total value of the US armed forces' contracts for small arms ammunition during the same year was US\$ 215 million (Forecast International, 2002). This means that the average price for each unit of ammunition produced in the United States in 2000 was 20 US cents. Given that at least 15 billion units of military-style small arms ammunition were produced in 2000, and using the figure of 20 cents as a rough proxy, the value of global production of military-caliber ammunition in 2000 can be estimated to be at least US\$ 3 billion. There are no reliable

¹³¹ In 2000, the US armed forces procurement of small arms, based on contracts, was worth US\$ 98 million. In 2001 procurement was estimated to be worth US\$ 82 million (Forecast International, 2002).

¹³² US Census Bureau, 1997b, *Small Arms Ammunition – 1997 Economic Census*, Washington DC: Department of Commerce.

estimates for the volume of production of ammunition for commercial firearms, which makes it difficult to estimate the value of production. In 1997 domestic production of commercial firearms ammunition in the United States were valued at US\$ 859 million.¹³³ Adjusted to 2000 prices this is equivalent to US\$ 917 million. Given that the United States accounts for at least 58 per cent of the global production of commercial firearms (WFSA, 2001), it can be assumed that the value of US ammunition production for commercial firearms vis-à-vis the rest of the world is of a similar magnitude. Therefore, it can be assumed that the value of global production of commercial firearms ammunition in 2000 was approximately US\$ 1.6 billion.¹³⁴

4.3 The world's largest small arms producers

There are at least three countries – the United States, Russia, and China – that can be identified as major producers. Some other 23 countries, mainly in Europe, can be classified as medium producers. The only medium small arms producing countries outside Europe are Brazil and Israel.¹³⁵ Despite the fact that more than half of the world's countries produce, or have the capacity to produce, small arms, and the emergence of 'new' producers such as India, Pakistan, Singapore, South Africa, and Taiwan, the global small arms market is still dominated by 13 countries (in alphabetical order): Austria, Belgium, Brazil, China, France, Germany, Israel, Italy, Russia, Spain, Switzerland, the United Kingdom, and the United States. Of these, all except Austria and Switzerland are also the world's most important producers of conventional weapons.¹³⁶ This section provides detailed information on the most important small arms companies in the eleven countries that dominate the global small arms market.¹³⁷

¹³³ US Census Bureau, 1997b, *Small Arms Ammunition Manufacturing – 1997 Economic Census*, Washington DC: Department of Commerce.

¹³⁴ The average price for a unit of commercial ammunition is lower than for military-caliber ammunition. The average price is likely to be 10-12 US cents a round (see <<http://www.shooters.com/ammo.html>>), compared with 20 US cents for military-caliber ammunition.

¹³⁵ Some countries in East and Central Europe, such as Bulgaria, the Czech Republic, Hungary, and Romania are significant exporters of small arms (often surplus or used arms). However, most of these countries are currently not producing significant quantities of new weapons. See also Suzette R. Grillot, 2003, *Central and Eastern Europe: A Regional Assessment of Small Arms Control Initiatives*, Security and Peacebuilding Programme, Global Issues Department, International Alert..

¹³⁶ Richard Grimmett, 2001, *Conventional Arms Transfers to Developing Nations 1993-2000*, CRS Report for Congress, 16 August 2001. According to BICC the major European producers of conventional weapons are France, United Kingdom, Germany, Italy, Spain, and Sweden. BICC, 2001, *Conversion Survey 2001: Global Disarmament, Demilitarisation and Demobilisation*. Baden-Baden: Nomos Verlagsgesellschaft, 62.

¹³⁷ The small arms industry of the United States and Switzerland will be analyzed in the two case studies.

Major producers

China: Even though there is almost no official or company information about the size and scope of domestic small arms production, China is widely regarded as one of the world's major small arms producers and exporters.¹³⁸ Recent estimates suggest that China was the fifth largest supplier of conventional arms to developing countries during the period from 1993 to 2000, with sales of US\$ 7.2 billion: an average of US\$ 970 million a year.¹³⁹ Between 1987 and 1994, China was a major supplier of rifles to the US market, accounting for more than 40% of total US rifle imports, including military-style small arms.¹⁴⁰ China is also a major supplier of small arms to Africa, and was the largest supplier, by volume, of civilian firearms to the South African domestic market between 1997 and 1999.¹⁴¹

Defense production, including small arms production, in China is entirely controlled by the government. Production occurs either in large state-owned defense-industrial companies or factories owned and controlled by the People's Liberation Army (PLA).¹⁴² The state-owned defense industry is guided by the civilian State Council and supervised by the Commission of Science, Technology and Industry for National Defence (COSTIND). COSTIND is also the clearing house for arms production and coordinates military needs directly with the PLA's General Armament Department. China's defense industry comprises large state-owned industrial corporations who also produce civilian consumer goods. They are civilian-run and profit seeking and have increasingly sought to diversify their activities beyond their core military business.¹⁴³

The major Chinese small arms producing company is the state-owned China North Industries Group Corporation (also known as Norinco). Norinco was established in 1980 as the official

¹³⁸ Information on China from Jörn Brömmelhörster, 2001, "China's Small Arms Producers," Background Paper, Geneva: Small Arms Survey and John Frankenstein, 1999, "China's Defense Industries: A New Course?" in James Mulvenon and Richard Yang, eds. *The People's Liberation Army in Information Age*, Santa Monica, CA: RAND, 187-216.

¹³⁹ Richard Grimmett, 2001, *Conventional Arms Transfers to Developing Nations 1993-2000*, CRS Report for Congress, 16 August 2001.

¹⁴⁰ Tom Diaz, 1999, *Making a Killing: The Business of Guns in America*, New York: The New Press, 73.

¹⁴¹ Robert Chetty, ed. 2000, *Firearm Use and Distribution in South Africa*. Pretoria: National Crime Prevention Centre.

¹⁴² For a discussion of arms production in the PLA enterprises see James Mulvenon, 2001, *Soldiers of Fortune: The Rise and Fall of the Chinese Military-Business Complex, 1978-1998*. New York: M.E. Sharpe.

¹⁴³ Jörn Brömmelhörster and John Frankenstein, eds. 1997, *Mixed Motives, Uncertain Outcomes: Defence Conversion in China*, Boulder, CO: Lynne Rienner; John Frankenstein, 1999, "China's Defense Industries: A New Course?" in James Mulvenon and Richard Yang, eds., *The People's Liberation Army in Information Age*, Santa Monica, CA: RAND, 187-216.

arms trading company under the Fifth Ministry of Machine Building.¹⁴⁴ In 1980, the company was transferred to the Ministry of Machinery and Electronics, incorporating 160 enterprises and more than 700,000 employees. Between 1980 and 1990 Norinco earned a total of US\$ 12 billion from arms sales, peaking at US\$ 2.5 billion in 1986 and 1987. In the 1990s, its combined sales of military and civilian products averaged about US\$ 2 billion annually. However, weapons account for only 20-30 per cent of overall production.¹⁴⁵ Under a re-organization of state-owned companies in July 1999, Norinco was divided into China South Industries Group Corporation (CSG) and China North Industries Group Corporation (CNGN). CSG has 260,000 employees in 64 companies and refocuses its activities almost entirely on civil production. CNGN will be the new weapons producer. It will produce most of China's small arms, apart from some small-size PLA factories. Despite restructuring, CNGN is still large and difficult to manage. It consists of 131 companies, including 83 industrial enterprises, and 456,000 employees (Brömmelhörster 2001). It accounts for nearly all state-controlled small arms production (besides ammunition and spare parts). State secrecy makes it impossible to provide exact figures for its small arms production. The bigger factories, however, are in Xian, Beijing, Wuhan, Dalian, Shijiazhuang, and Sehyang. Small arms production accounts for probably less than five per cent of CNGN's overall turnover, which includes the production of tanks, armored vehicles, artillery guns, missiles, bombs, and explosives.¹⁴⁶ Prior to restructuring in 1999, most of the enterprises within Norinco made losses. Hence, Norinco has tried to get rid of unprofitable activities in recent years (Frankenstein 1999).

Russia: The Russian Federation is one of the world's major defense producers, and it is consistently ranked as one of the most important arms exporters in the world. In the period 1993-2000, the country had official sales of US\$ 30.5 billion – an average of US\$ 3.8 billion a year – in conventional arms to developing countries, second only to the United States (Grimmett 2001). According to unofficial figures, total revenues from arms exports amounted to US\$ 3.5 billion in 2000 (Moscow Profile, 7 May 2001). The Russian defense industry, including the small arms sector, has been drastically downsized and restructured since the end of the Cold War and the collapse of the Soviet Union in 1991. However, in recent years the

¹⁴⁴ Bates Gill and Evan Medeiros, 2000, *Chinese Arms Exports: Policy, Players and Process*, Carlisle, Pennsylvania: Strategic Studies Institute.

¹⁴⁵ Jane's Sentinel Security Assessment, 20 September 2000.

¹⁴⁶ John Reed, ed. 2001, *Jane's World Defence Industry: Issue Nine*. Couldson: Jane's Information Group.

output of the Russian arms industry has been rising again. In addition, exports of military products now account for 34% of the total output of the Russian arms industry.¹⁴⁷

Russia's military-industrial complex comprises about 1,700 enterprises. 30% are state enterprises (GUPs), another 30% joint-stock companies (JSCs) with state participation, and the rest (40%) is privately owned (Moscow Profil, 7 May 2001). According to the Centre for Analysis of Strategies and Technologies (CAST)¹⁴⁸ a number of trends have become evident in recent years. The main centers for the production of both military-style and civilian small arms in Russia are Izhevsk (Udmurtia), Tula (Central Russia), and Kovrov (Vladimir region). More than 85% of all domestically produced small arms are manufactured in Izhevsk. JSC Izhmash is regarded as the leading domestic producer and exporter of small arms. There are currently more people employed with JSC Izhmash (25,400) than in the entire firearms industry in the United States. The production facilities in Tula, apart from the Instrument Design Bureau, have lagged behind the facilities in Izhevsk, in terms of both design and manufacture for domestic and export markets. As in the past, some firms (e.g. TsKIB SOO) still concentrate on design, while others focus on production (e.g. Izhmash).

The Russian small arms industry is currently experiencing a process of product diversification. The Kalashnikov era is likely to end in the next few years, leading to a transition from the key types of small arms produced during the Soviet era. Currently, even the latest models of the Kalashnikov assault rifle are merely upgraded version of the basic AK-47, usually with a different caliber or higher fire rates (e.g. Izhmash Nikonov assault rifle AN-94). However, many companies are developing numerous new weapons, particularly for special and law-enforcement units. In addition, the Russian Defense Ministry has invited tenders for new small arms for the Russian armed forces. The final choice will be made in late 2003 and supplies of new types of small arms to Russia's armed forces will begin simultaneously.

Since the end of centralized Soviet government orders for weapons, plants often develop and produce firearms in small batches to meet orders from security forces and paramilitary divisions of the Ministry of Interior. Such a flexible approach gives plants at least some chance to win orders for military-purpose goods, but it leads to de-standardization in small arms. Besides, the commercial availability and usefulness of producing so many varieties of

¹⁴⁷ Julian Cooper, 2001, "Russian Military Expenditure and Arms Production," in SIPRI, *SIPRI Yearbook 2001: Armaments, Disarmament and International Security*, Oxford: Oxford University Press, 313-322, especially 317-9.

firearms with similar technical specifications is not always evident. A final trend is the production of hunting and sporting rifles as a way of raising total production volumes. Most of these civilian weapons have been derived from military-style small arms.

Medium Producers

Austria: Austria has a relatively small domestic defense industry. Local defense companies, unlike in neighboring Switzerland, have been largely excluded from the European-wide defense industry consolidation of recent years. The total turnover of the Austrian defense industry in 2000 was 174 million (US\$ 164 million).¹⁴⁹ However, the country is a major producer of small arms for both military and civilian markets. A number of local companies are involved in some aspect of small arms production.¹⁵⁰ Two companies – Glock and Steyr-Mannlicher – are the most important domestic producers, for both military and civilian markets. They are also major exporters. Other local companies include Hirtenberger (ammunition), Dynamit Nobel Graz (ammunition), Andres & Dwonsky Karlstein (sporting pistols), and Voere Kufsteiner Gerätebau (hunting and sporting weapons).¹⁵¹

Belgium: While Belgium is not a significant producer of major conventional arms, it is still one of the world's most important small arms producers. At least 15 companies in Belgium are involved in some aspect of small arms production (Omega Foundation, 2001). However, domestic production of small arms and ammunition is dominated by one company, FN Herstal, which is part of the French-Belgium consortium Groupe Herstal.¹⁵²

Brazil: Brazil is one of the largest defense producers in the developing world and a major exporter of small arms, particularly for the US market (Jane's Defence Weekly, 21 June 2000). At least 18 companies are involved in some aspects of small arms production (Omega Foundation, 2001). The major domestic producers of small arms include the state-owned Industria de Material Belico do Brasil (Imbel) and a number of private companies. Imbel, which was established in 1974, is a non-listed public company and employed 2,220 people in

¹⁴⁸ CAST, 2001, "Russia's Small Arms Producers" Background Paper, Geneva: Small Arms Survey.

¹⁴⁹ Austrian Defence Industry Association, 2001, *Austrian Military Suppliers*. Vienna: Austrian Defence Industry Association.

¹⁵⁰ Omega Foundation, 2001, "Global Distribution of Small Arms Producers," Background Paper, Geneva: Small Arms Survey.

¹⁵¹ Peter Lock, 2001, *Small Arms Production in Austria, Germany and Switzerland*, Background Paper, Geneva: Small Arms Survey.

¹⁵² Luc Mampaey, 2000, "Groupe Herstal S.A.: L'Heure des decisions," Les Rapports du GRIP, No. 6. Bruxelles: GRIP.

2000.¹⁵³ The company produces a wide range of small arms and ammunition, mainly for the military market. Its products include pistols, rifles, and sub-machine guns.¹⁵⁴ The company started producing the 7.62 FN FAL rifle under license in 1964 (250,000 have been produced until 2001), and currently produces the 5.56mm version.¹⁵⁵ More than 90% of the 2,000 0.45 caliber pistols that the company exports each month are bound for the US market. Springfield Armory is the distributor of Imbel products in the United States. Currently, between 40 and 50% of the company's production is exported (Gazetta Mercantil, 26 October 2001).

France: While France is a significant producer and exporter of major conventional armaments, it pales by comparison with other European countries such as Austria, Belgium, Germany, and Italy in terms of small arms production. The country was ranked as the third largest supplier of conventional arms to developing countries in the period from 1993 to 2000, with total sales for this period of US\$ 24.7 billion, or US\$ 3 billion a year (Grimmett 2001). More than 30 companies in France are involved in some aspects of small arms production, although most production is for domestic consumption (Omega Foundation, 2001). The state-owned company, Giat Industries, is the most important domestic producer of small arms and ammunition. The other major domestic producer is a private company PGM Precision (sniper rifles).

Germany: Germany is one of the world's largest producers of conventional arms, ranking as the sixth largest supplier of major conventional arms to developing countries in the period from 1993 to 2000 with total sales of US\$ 5.8 billion, an annual average of US\$ 725 million (Grimmett 2001). The country has a long history of small arms manufacturing, and is one of Europe's major producers of small arms for both the military and civilian markets. Currently, more than 30 German companies are involved in some aspect of small arms production (Lock, 2001). The most important domestic manufacturers of small arms and ammunition for military and police purposes include Heckler & Koch (owned by BAE Systems), JP Sauer & Sohn, Carl Walther (owned by Umarex Sportwaffen), Rheinmetall DeTec, Diehl, and Dynamit Nobel.

Israel: Israel is one of the world's most important arms producers and exporters. The country was ranked as the seventh largest supplier of conventional weapons to developing countries in

¹⁵³ Graham & Whiteside Ltd., 2001, *The Major Companies Database 2001*, Leverett, MA: Rector Press.

¹⁵⁴ Terry Gander and Charles Cutshaw, 2001, *Jane's Infantry Weapons: 2001-2002*, Coulsdon: Jane's Information Group.

¹⁵⁵ Peter Danssaert, 2001, "FN Herstal: Licenced Production," Background Paper, Geneva: Small Arms Survey.

the period from 1993 to 2000 with sales of US\$ 2.6 billion, an average of US\$ 325 million a year (Grimmett, 2001). At least ten companies are involved in some aspect of small arms production (Omega Foundation, 2001). The state-owned company Israel Military Industries (IMI) is the most important domestic producer of small arms and ammunition. In addition to IMI, smaller private-sector firms, such as KSN Industries (pistols), Soltam (mortars), and the Kalia Israel Cartridge Company (ammunition) also manufacture small arms for domestic and export markets (Gander and Cutshaw, 2001).

Italy: Italy was ranked as the eighth largest supplier of conventional arms to developing countries in the period from 1993 to 2000 with sales of US\$ 2.5 billion, an average of US\$ 312 million a year (Grimmett, 2001). Nearly 40 Italian companies are involved in some aspects of small arms production (Omega Foundation, 2001). Beretta SpA is the country's most important domestic small arms producer, and produces a wide range of products for both military and civilian markets. Other important domestic producers of small arms for the military market include Bernadelli (rifles), Franchi (rifles), Tanfoglio (pistols) and Benelli (pistols). Both Franchi and Benelli are owned by Beretta.¹⁵⁶

Spain: During 1996-2000, Spain was the 11th largest exporter of arms in the world and the sixth biggest exporter in Europe.¹⁵⁷ More than 20 local companies are involved in some aspect of small arms production (Omega Foundation, 2001). Its accumulated debts pushed the Spanish small arms industry into a serious crisis during the 1990s. The country's major small arms producer, the state-owned company Santa Barbara, was finally bought by the US-based company General Dynamics in March 2001. The deal could be settled after a protracted take-over battle with Germany's Rheinmetall and Krauss-Maffei. Of the three largest private companies (Astra, Llama Gabilondo, and Star) only Llama Gabilondo has survived and is currently being transformed to a shareholder company, Fabrinor. The company had total sales of US\$ 4.2 million in 2000 and manufactures about 20,000 small arms a year, mainly pistols. More than 80% of the company's production is exported to the US market. The remaining part is exported to various countries. The Spanish army buys a rather small portion of the whole production (El Pais, 25 February 2001). Both Astra and Stare were previously the major domestic producers of pistols for the military markets.

¹⁵⁶ Silvia Cattaneo, 2001, "Italy's Small Arms Producers," Background Paper, Geneva: Small Arms Survey.

¹⁵⁷ SIPRI, 2002, *SIPRI Yearbook: Armaments, Disarmament and International Security*, Oxford: Oxford University Press, 357.

United Kingdom: The United Kingdom is one of Europe's largest defense producers, and the country was ranked as the world's fourth largest supplier of conventional weapons to developing countries during the period from 1993 to 2000 with sales of US\$ 8.9 billion, an average of US\$ 1.1 billion a year (Grimmett, 2001). Although many companies are involved in various aspects of small arms production, the United Kingdom is not in the same league as other European producers such as Belgium, Germany or Italy in terms of the value and volume of its domestic small arms production.¹⁵⁸ For decades, small arms production in the United Kingdom was concentrated at the small arms arsenal in Enfield. The arsenal was privatized in the late 1980s and transferred to a new site in Nottingham in the early 1990s (Lock 2001). The United Kingdom no longer produces pistols for the military market, and its armed forces are equipped with pistols manufactured in Belgium (FN Herstal) and Switzerland/Germany (SIGARMS).

4.4 The Role of the Arms Industry in Alleviating (or Aggravating) the Small Arms Problem

Some of the big players in the arms industry tried to play a constructive role in alleviating the small arms problem. They applied this strategy both for sincere reasons and business interests. Accepting some form of self-regulation, the initial pressure from gun control groups could be dampened down and the black sheep of the industry singled out. This approach allowed the regular small arms producers to stay in business and focus on new, legitimate markets.

This chapter has provided an assessment of the state of the global small arms industry. The lack of reliable information about the value and volume of global small arms production makes it almost impossible to assess the industry's precise current situation and predict its long-term trends. In the short run, certain factors that will determine the health of the industry can be identified based on the current available information. At the company level, factors such as market segmentation and concentration as well as internal production and marketing decisions (e.g. finding niche opportunities) will have a significant impact on the future condition of the firms. At the more general level, factors such as the economic and security environment in particular countries, negative public sentiment towards these types of weapons, and/or growing public pressure on government to implement stricter controls on the production of, trade in, and use of small arms are likely to have a significant impact on the strength of individual companies and the global industry.

¹⁵⁸ Omega Foundation, 2001, "UK Small Arms Producers," Background Paper, Geneva: Small Arms Survey.

The information presented in this chapter demonstrates that global small arms production is widely distributed. Currently, more than 1,000 companies in at least 98 countries worldwide are involved in some aspect of the production of small arms or ammunition. The increase in the number of countries and companies that produce small arms does not necessarily indicate an increase in the size or production capacities of the global small arms industry, but in some cases simply better information.

The value of global small arms production, including ammunition, can be estimated to be at least US\$ 7.4 billion in 2000. In terms of volume, it is estimated that nearly eight million small arms, including commercial firearms, were produced during 2000. Of those eight million small arms more than 70% were produced in the United States and the European Union. The global volume of small arms production has declined in recent years, and is at much lower levels than during the Cold War era. There are also indications that the production of military-style small arms will continue to decline in the coming years. The long-term trends in the production of commercial firearms are currently unclear, but production volumes may start to increase as a result of the 2001 terrorist attacks in the United States¹⁵⁹ as well as the military operations in Afghanistan and Iraq.

Despite its global distribution, small arms production remains economically fairly marginal, both in terms of its contribution to national economic activities and as a share of the value of global defense production. The production of small arms is a mature industry with few barriers to entry. It is not a significant source of employment. For example, in Austria the three most important small arms companies have combined total sales of US\$ 57 million, and collectively employ fewer than 800 people. In the United States, only about 16,000 people are employed in the small arms industry.

In the world's three major producers – China, Russia, and the United States – the specific picture is difficult to assess because of a lack of detailed information, particularly with respect to China. In Russia, it is clear that a small number of companies are re-emerging as significant players in the global small arms market. This comes after nearly a decade of industrial downsizing and restructuring. The growing success of these Russian firms is linked to product diversification (e.g. commercial firearms) and increasing export sales.¹⁶⁰

¹⁵⁹ Lois Romano, "At Tulsa Gun Show, Searching for Safety: U.S. Sales on the Rise Since Sept. 11 Attacks," *Washington Post*, 22 October 2001, Page A03.

¹⁶⁰ Marat Kenzhetayev and Lyuba Pronina, 2002, "Rocketing Up the Arms Sales Charts," *The Moscow Times* 15 April 2002, 12.

In the world's ten most important mid-sized producers – Austria, Belgium, Brazil, France, Germany, Israel, Italy, Spain, Switzerland, and the United Kingdom – the picture is also quite mixed. In some countries (e.g. Austria, Brazil, and Italy) privately-owned firms like Glock, Taurus, and Beretta are doing relatively well – they are witnessing either constant or even increasing sales and profits. In almost all cases these companies rely heavily on sales to the US market (both military and civilian). Total employment in most of these companies is usually less than a few hundred employees, and in some rather extraordinary cases a few thousand. In other countries such as France, Israel, and Spain, large state-owned defense companies (e.g. Giat Industries, IMI, Santa Barbara) which also produce small arms are experiencing significant financial problems. Most of these companies are currently making significant losses, have large numbers of employees, and low levels of labor productivity. Without continuing government support, it is unclear whether the small arms production activities in these firms will be maintained.

Concentration and consolidation at the company level has been increasing in recent years and is likely to continue, particularly among European and US producers. The various segments of the global small arms market (both military and civilian) also continue to be dominated by a handful of companies in these 13 countries, despite the emergence of a few 'new' players in recent years (e.g. Pakistan, Singapore). Some countries, such as Brazil, have taken significant steps to protect their domestic small arms industry from foreign investors and competitors.

Licensed production is a key feature of the global small arms industry particularly amongst developing countries. Altogether the products of just two companies, FN Herstal (Belgium) and Heckler & Koch (Germany/UK), have been produced under license in more than 35 countries worldwide. This illustrates how licensed production can be used by licensees (e.g. Turkey) to develop and expand their domestic small arms production and export capabilities. Licensors (e.g. Heckler & Koch) use licensed production to increase their global market share. Additionally, they can evade strict controls and even facilitate exports to prohibited destinations.

Overall, the information at hand presents a somewhat contradictory picture. At the company level, some firms appear to be prospering while others are in crisis. Some of the private firms (e.g. Beretta) appear to have a better chance of survival. In some cases, state-owned companies will continue to attract government support for political and strategic reasons (e.g. Giat Industries in France). At the global level, the small arms industry seems to be shrinking in terms of production capacity. The small arms industry is experiencing a significant decline

in demand, particularly in the military market and certain sub-sectors of the civilian market (e.g. handguns).

Finally, what are the most important factors that will determine the industry's trends in the near future? Certainly the events of 11 September 2001 and increasing US domestic civilian demand for firearms may provide some temporary relief for the US small arms industry as a whole. Certain firms in various countries (e.g. Austria, Brazil, and Italy) that are major suppliers to the US market can also profit from this increased demand. Other factors, such as the expansion of licensed production or increased export sales, might also improve the short-term prospects for certain firms. But these prospects are highly dependent on the stringency of domestic export controls. However, in the longer term, factors such as a negative public sentiment concerning the impact of small arms on crime rates and violence or the growing national and international efforts (e.g. within the United Nations) to regulate and tighten controls over the production, possession, use, and transfer of small arms and light weapons could have a negative impact on the global small arms industry.

5 Creating the Network: IANSA

*Small arms are causing misery and destruction all over the world. [...] The development of an International Action Network on Small Arms is an important initiative towards tackling one of the greatest humanitarian challenges in our times.*¹⁶¹

—Olara Otunnu, UN Secretary General's
Special Representative for Children in Armed Conflicts,
Brussels, October 14, 1998.

5.1 A new international context

Despite the fact that small arms and light weapons account for the overwhelming majority of deaths in conflicts since 1945, they remained off the arms control agenda throughout the Cold War, for essentially three reasons.

First, until the process of decolonization had been completed, military-style light weapons were not widely disseminated beyond national armed forces, and most post-colonial states did not possess large arsenals. There were exceptions: independence wars in such places as Algeria, civil wars in states such as Nigeria (Biafra), insurgencies in countries such as Malaysia, and of course the Vietnam War, illustrated the importance of light weapons in conflict. But in general their effects were confined to particular conflict zones, and not seen as a problem with spill-over effects and potentially harmful consequences regionally or globally.

Second, the instruments of non-proliferation, arms control and disarmament emerged to cope with the threat posed by nuclear and other weapons of mass destruction. Although these issues were not the exclusive preserve of the superpowers (witness the Nuclear Non-Proliferation Treaty (NPT), the Chemical Weapons Convention, the Biological and Toxin

¹⁶¹ Speech by Olara Otunnu, UN Secretary General's Special Representative for Children in Armed Conflicts, international NGO meeting on small arms, Brussels, October 14, 1998. Quote cited from Liz Clegg, 1999, "NGOs take aim," *The Bulletin of the Atomic Scientists* 55(1), 49-51.

Weapons Convention and other multilateral instruments), progress in arms control was driven by superpower concerns with maintaining stability and reducing the risk that conflicts would escalate to a global level. Since the conflicts in which small arms and light weapons were used posed few such risks, they could be ignored.

The third reason was a general reluctance to tackle conventional weapons (including light weapons) issues at all: many policy-makers argued up until the early 1990s that “conventional weapons are not a proliferation issue.”¹⁶² Behind this was the belief that states’ right to self-defense (and to determine the means to achieve their security) legitimized the possession of most types of conventional weapons. This also prevented the conventional weapons from being “stigmatized” as nuclear or other weapons of mass destruction could be. Similarly, various types of small arms and light weapons were deemed to have legitimate civilian use, reflected in national regulation (gun control) policies.¹⁶³

The confluence of several factors in the early 1990s led to a realignment of these elements of the Cold War non-proliferation, arms control and disarmament regime, and allowed small arms and light weapons to emerge as a multilateral policy problem. Perhaps the most important stimulus was the changed matrix of conflicts in the post-Cold War world, in which internal conflicts assumed a much higher profile than inter-state ones. Internal conflicts are by no means new. But they have received greater attention due to the small arms and light weapons that fuelled them. Related to this was the expansion of multilateral peace support operations. In Cambodia, El Salvador, Somalia, Haiti, Angola, Mozambique and elsewhere, the UN and regional organizations launched peacekeeping and post-conflict peace-building operations that differed radically from the Cold War supervisory model. The problems that weapon flows to combatants posed for such operations, and the problems that weapon stocks posed for post-conflict peace building, were made uncomfortably clear in many of these missions.¹⁶⁴

¹⁶² This argument was made directly to Keith Krause, Programme Director of the Geneva-based Small Arms Survey, by a senior Canadian official in 1992, and is relevant given the dramatic shift in Canadian policy on this issue in the following years. See Keith Krause, 2001, “Norm-Building in Security Spaces: The Emergence of the Light Weapons Problematic,” GERSI/REGIS Working Papers.

¹⁶³ Attempts to tackle conventional arms transfers also failed because of superpower and commercial rivalry. For an overview see Keith Krause, 1993, “Controlling the Arms Trade since 1945,” in Richard Dean Burns, ed., *Encyclopedia of Arms Control and Disarmament*, Vol. II, New York: Charles Scribner's Sons, 1021-1039.

¹⁶⁴ For example, the UN Institute for Disarmament Research undertook a major study, “Managing Arms in Peace Processes” that examined thirteen different case studies, including Cambodia, Haiti, Mozambique, Liberia and the former Yugoslavia. See also Stefan Brem and Antonino Geraci, 2000, “Third-Party

In addition, large weapon stocks in private hands were seen as posing a serious threat to post-authoritarian transition states. Behind this dangerous development lurked the apparent increase in the global traffic in small arms and light weapons. The end of the Cold War and many of its associated conflicts (such as in Afghanistan, Angola, Mozambique, and the Horn of Africa) released a veritable flood of weapons that were easily available at extremely low cost.¹⁶⁵ Weak control mechanisms in the countries of the former Soviet Union and Eastern Europe further contributed to this problem.¹⁶⁶ With the steady rise of global trade and reduction of close customs controls on shipments and containers, the weapons became a profitable commodity.¹⁶⁷ Transshipment, money-laundering and corruptions circuits were associated with sophisticated means of redirecting and concealing illicit inter-national trade.

The success and failure of efforts to place small arms and light weapons on the international security agenda are mirrored in these changes. As far back as 1979, Amnesty International attempted to launch a campaign on small arms and light weapons – with little success. At various points, the Stockholm International Peace Research Institute (SIPRI) considered tracking small arms and light weapons flows, but decided against this due both to the difficulty of gathering information and the relatively small expected audience for it.¹⁶⁸ By contrast, one can chart an explosion of interest in small arms and light weapons issues in the mid-1990s, beginning with the publication of various studies and reports detailing the scope and nature of the problem.

Light weapons and human security

Under the Cold War interstate arms control regimes, small arms and light weapons represented an insignificant threat: the risk of uncontrolled escalation of an interstate war due to light weapons proliferation was very low and the resources devoted to these arms were minimal compared to major conventional weapons systems. Those small arms did, however,

Intervention in War-Torn Societies: How Effective Are Micro-disarmament Programs?” Paper presented to the ISA Annual Meeting, Los Angeles, 14 - 18 March 2000.

¹⁶⁵ According to the US Arms Control and Disarmament Agency, the trade in small arms and light weapons represents perhaps 13 percent of the total conventional arms trade, which would place it at about 2-3 billion dollars per year. According to some estimates, up to 40 percent of this might be black (or grey) market transactions. ACDA figures cited in the preface to Jeffrey Boutwell, et al, 1995, *Lethal Commerce*, Cambridge, MA: American Academy of Arts and Sciences. See also Abdel Fatau Musah and Robert Castle, 1998, “Eastern Europe’s Arsenal on the Loose: Managing Light Weapons Flows to Conflict Zones,” BASIC Occasional Papers on International Security Issues No. 26, May 1998.

¹⁶⁶ Suzette R. Grillot, 2003, *Central and Eastern Europe: A Regional Assessment of Small Arms Control Initiatives*, Security and Peacebuilding Programme: Global Issues Department, London: International Alert.

¹⁶⁷ Ernie Regehr, 1997 “Militarizing Despair: The Politics of Small Arms,” *New Routes* 4(97), 3.

¹⁶⁸ Information on Amnesty International’s attempts from Brian Wood and on SIPRI’s considerations from Herbert Wulf.

probably account for the majority of conflict casualties. Already then did non-combatants constitute a very large percentage of these casualties.¹⁶⁹ But attempts to reduce the destructiveness of conventional war were marginal and confined to such instruments as the Geneva Conventions and the Convention on Certain Conventional Weapons. Within the particular understanding of the purposes and motivations for arms control and non-proliferation efforts (reducing the risk of war, reducing its destructiveness should it break out, and redirecting the resources devoted to armaments to other ends),¹⁷⁰ the issue of small arms and light weapons had little chance to gain support or to win the attention of middle powers as ‘moral entrepreneurs.’ The world’s (and the arms control communities’) attention focused on the nuclear threat.¹⁷¹

The emergence of a set of ‘societal’ and ‘human’ security concerns that focus on communities or individuals within the state changed this situation.¹⁷² Many human security concerns¹⁷³ are related to the small arms and light weapons issue including promoting and safeguarding human rights (security from state violence), protecting minorities (from repression), fighting organized crime and ensuring economic security (protection of property). These security concerns are often very different from the traditional security concerns of states such as security against a predatory state, combating terrorism, health care versus military spending (‘butter vs. guns’). For many contemporary policy-makers, ‘human security’ issues have come to rival inter-state security concerns. For example, some states in Latin America feel threatened by the nexus between drug and arms smuggling, in which the illicit traffic in armaments feeds the power of drug lords, who have supplanted state authority in some areas. In sub-Saharan Africa, as another example, the easy availability of weapons undermines post-conflict reconstruction efforts and economic development.

¹⁶⁹ According to the most widely cited estimate, more than 80 percent of people killed in wars since 1990 have been civilians, almost all of whom died from small arms or light weapons. Figure from Oxfam, cited in “UK Aid Agencies Call on G8 to Control Arms Trade,” *Reuters* 13 May 1998. There are good reasons to think this estimate of civilian casualties is too high, but the number is unlikely to be below about 60 percent.

¹⁷⁰ Thomas Schelling and Morton Halperin, 1961, *Strategy and Arms Control*, New York: The Twentieth Century Fund, 2; Special Issue on Arms Control 1960 *Daedalus*, 89(4) Fall.

¹⁷¹ See also Jeffrey Knopf’s contribution on the impact of protest movements on US arms control policy. Jeffrey Knopf, 1998, *Domestic Society and International Cooperation: the Impact of Protest on US Arms Control Policy*, Cambridge: Cambridge University Press.

¹⁷² This definition of human or societal security is not the same as used by Barry Buzan, Ole Waever et al., who focus on threats to the identity of a society, from whatever source. See Ole Wæver, Barry Buzan, Morten Kelstrup and Pierre Lemaitre, 1993, *Identity, Migration and the New Security Agenda in Europe*, London: Frances Pinter, chapters 1-3.

¹⁷³ Human security concerns are commonly understood as achieving freedom from fear by reducing the threat of violence from social, political and economic life at primarily the local and regional level.

Whether or not these human security concerns are more or less important than traditional state security concerns, and whether or not small arms and light weapons thus represent a legitimate object of state interest, is not an academic question: the test is how much attention an issue receives from policy-makers and how seriously decision-makers treat different threats. As I will discuss below, the greater attention that is being devoted to the consequences of unchecked light weapons proliferation can be used to illustrate how changed conceptions of security affect the definition of state interests.¹⁷⁴ More importantly, however, this broader conception has opened up a space in which new coalitions of states and between states and non-state actors can form to pursue policies consonant with this new understanding of their security interests.

5.2 The creation of expert knowledge

An important factor for the emergence of collective action on any issue is the development of an ‘expert’ consensus that a problem exists. Beginning in the mid-90s, major national and international NGOs such as the British-American Security Information Council (BASIC), Human Rights Watch, Pugwash, and the UN Institute for Disarmament Research (UNIDIR) started to sponsor studies on small arms issues.¹⁷⁵ A useful indication of the increased interest is a bibliography on small arms and light weapons by the Canadian Department of Foreign Affairs and International Trade that identifies three publications on this topic in 1993, six in 1994, 39 in 1995, 38 in 1996, 26 in 1997, and 37 up to September 1998.¹⁷⁶

Two ‘schools’ of expert knowledge were invoked by these various studies: that of arms controllers, and that of field researchers. Among the first contributions to the debate, for

¹⁷⁴ It is also interesting to note the way in which the discourse of human security is being used primarily by Canada, Norway, and Switzerland as a rallying point for a coalition of like-minded states around these issues. See also Lloyd Axworthy and Knut Vollebaek, “Now for a New Diplomacy to Fashion a Humane World,” *International Herald Tribune*, 21 October 1998; Daniel Trachsler, 2003, “Menschliche Sicherheit: Klärungsbedürftiges Konzept, vielversprechende Praxis,” Andreas Wenger, ed., *Bulletin 2003 zur schweizerischen Sicherheitspolitik*, Forschungsstelle für Sicherheitspolitik der ETH Zürich, 69-103; and the text of the “Norway-Canada Partnership for Action” (Lysoen Declaration). A “Lysoen II” meeting with 11 like-minded states took place in May 1999.

¹⁷⁵ Key contributions include Jeffrey Boutwell, et al, 1995, *Lethal Commerce*, Cambridge, MA: American Academy of Arts and Sciences; Christopher Louise, 1995, “The Social Impacts of Light Weapons Availability and Proliferation,” Discussion Paper 59, United Nations Research Institute for Social Development, March 1995; Jasjit Singh, ed., 1995, *Light Weapons and International Security*, Indian Pugwash Society and British American Security Information Council (BASIC); the series of studies of the UNIDIR project, “Managing Arms in Peace Processes,” and the various BASIC occasional papers on light weapons issues.

¹⁷⁶ See Department of Foreign Affairs and International Trade, 1998, *Small Arms and Light Weapons: An Annotated Bibliography and Small Arms and Light Weapons*. The ‘unit’ of counting is basically an article or book chapter. Hence edited collections are counted as many entries. The list may be incomplete, but it certainly gives an indication of a trend.

example, one finds an article by Aaron Karp in *Arms Control Today* in September 1993. He had previously worked on conventional weapons trade issues. The same is true of researchers such as Edward Lurance, Michael Klare, or Natalie Goldring.¹⁷⁷ Many of their contributions were quite analytical. Their principle argument was that the paradigm governing our thinking about traditional arms trade was inappropriate to the case of small arms and light weapons. This approach would lead analysts to downplay the importance of the light weapons problem, overestimate difficulties in controlling them, or obscure the nature of the trade.

The second kind of expert knowledge, that of field researchers, was advanced in the context of case studies of particular zones of conflict, such as Northern Pakistan and Afghanistan, Somalia, Colombia, Rwanda, or Southern Africa.¹⁷⁸ Usually, these researchers were not members of the existing conventional arms trade and arms control 'epistemic community.'¹⁷⁹ Their expert credentials rested on information gained in their field research. Their studies, although often anecdotal and rather unsystematic, highlighted the devastating consequences of the proliferation of light weapons in different areas of the world.

Special note must be taken of the role played by the United Nations in preparing the terrain of small arms and light weapons, and contributing to the creation of 'expert knowledge.' Work in this area has its roots in Secretary-General Boutros-Boutros Ghali's invocation of the problem of 'micro-disarmament' in his supplement to the Agenda for Peace, which called for exploration of "practical disarmament in the context of the conflicts the United Nations is dealing with and of the weapons, most of them light weapons, that are actually killing people in the hundreds of thousands."¹⁸⁰ This in turn was catalyzed both by the difficulties the United Nations faced in dealing with post-conflict disarmament in the context of its peacekeeping missions as well as the specific initiative concerning demobilization, small arms collection and destruction in Mali, which began in August 1994. In November 1995, an expert group

¹⁷⁷ This list is not meant to be exhaustive, but to offer important contributors to the field. See as early examples Edward Lurance, 1992, *The International Arms Trade*, New York: Lexington Books; Aaron Karp, 1993, "Arming Ethnic Conflict," *Arms Control Today* September, 8; Michael Klare, 1995, "Light Weapons Diffusion and Global Violence in the Post-Cold War Era," and Susanne L. Dyer and Natalie Goldring, 1995, "Analysing Policy Proposals to Limit Light Weapons Transfers," both in Jasjit Singh, ed. *Light Weapons and International Security*. Dehli: Indian Pugwash Society and BASIC.

¹⁷⁸ Contributors to this literature include Chris Smith, Tara Kartha, Jacklyn Cock, Alex Vines, Kathi Austin, and Steve Goose.

¹⁷⁹ For the most important contributions on epistemic communities see the introduction and conclusions to the special issue of *International Organization* by Peter Haas, 1992. "Introduction: Epistemic Communities and International Policy Coordination," *International Organization* 46(1), 1-35 and Emanuel Alder and Peter Haas, 1992, "Conclusion: Epistemic Communities, World Order, and the Creation of a Reflective Research Program," *International Organization* 46(1), 367-390.

¹⁸⁰ Supplement to an Agenda for Peace, UN General Assembly document A/ 50/ 60, 25 January 1995, 14.

was created as a concrete follow-up initiative to examine the types of small arms and light weapons being used in conflicts as well as “the nature and causes of the excessive and destabilizing accumulation and transfer of small arms and light weapons, including their illicit production and trade.” This report played a crucial role in defining the nature of the problem (i.e. what exactly are small arms and light weapons) and setting some of its parameters (linkage between security and development, distinction between illicit and licit transfers, emphasis on marking, tracing and destruction).¹⁸¹

Three things are significant about this growing interest in small arms and light weapons issues: First, the reshaping of the arms control / international security discourse to deal with small arms and light weapons issues proceeded in parallel with attempts to uncover new ‘facts’ about the world. Hence one cannot argue that the issue of small arms and light weapons rises on the international agenda solely because of a tangible change in the nature of weapons flows, in their use in conflicts, or in the impact of small arms and light weapons proliferation on the security interests of major international actors. Very little, if anything, objectively changes in the early 1990s. Furthermore, if one wanted to link the increasing interest in small arms and light weapons to such shifts as (relative) increases in communal conflicts or in UN interventions, it is impossible to explain therefore why the issue of small arms and light weapons has not lost ground from the international agenda as the number UN operations, or number of soldiers engaged in them, has declined again after mid-90s.¹⁸²

Second, the most important feature of the ‘new’ expert community, the broadening of the traditional arms control agenda, was evident from the outset. For example, one of the most important research studies was sponsored by Human Rights Watch, an internationally-recognized human rights NGO that had hitherto done little work on arms and conflict issues. This study documented the role outsiders played in supplying arms to the Rwandan genocide. It received a considerable profile, if measured by the subsequent launching of governmental or UN inquiries into arms transfers to the Great Lakes region.¹⁸³

¹⁸¹ UN General Assembly Resolution 50/ 70B, 17 November 1995. The experts’ group report is UN General Assembly document 1/ 52/ 298.

¹⁸² For example, at the peak in 1993, there were more than 78,000 military and related personnel engaged in UN operations. By mid-1998, this had declined to only about 19,000 (plus 1,300 military observers and 2,700 civilian police). See <<http://www.un.org/Depts/dpko/yir97/charts.htm>> (last visited March 2003).

¹⁸³ Stephen D. Goose and Frank Smyth, 1994, “Arming Genocide in Rwanda,” *Foreign Affairs* 73(5), September/October), 86-96; Human Rights Watch, 1995, “Rearming with Impunity: International Support for the Perpetrators of the Rwandan Genocide,” *Human Rights Watch Arms Project Report A704*. Formal inquiries were launched by France and the United Nations Commission of Inquiry. See “Final Report of the International Commission of Inquiry (Rwanda),” S/1998/1096, 18 November 1998.

Third, although many of the contributions to the discussion offer policy suggestions of one sort or another, almost none can be characterized as advocacy in the strict sense – they were not part of an organized campaign with defined goals and strategies. The only ‘expert’ contribution that comes close to this is the UN group of expert study, which played a key role in crystallizing the terms of the debate on various issues. In other studies and reports, policy suggestions ranged from promoting post-conflict weapons collection and destruction, tightening supplier states’ export controls, increasing customs and police controls, to focusing on local violence and criminality. There was no real consensus on which goals were priorities, or even on whether or not the problem could be successfully tackled.¹⁸⁴ Traditional divisions between so-called supply-side (enhancing export controls and imposing more restrictive export policies) and demand-side strategies (post-conflict weapons collection programs and other peace-building efforts) emerged. The whole debate played itself out against a backdrop of very little concrete recommendations. In fact, one of the early issues identified as crucial to efforts to reduce small arms and light weapons proliferation was the lack of reliable information on the nature and scope of production, stockpiles and transfers of these arms.¹⁸⁵

5.3 The emergence of a campaign and the problem of issue framing

Elements of an early campaign to address small arms and light weapons started to emerge in 1997 and crystallized with the launching of the International Action Network on Small Arms (IANSA) in October 1998. In this section I will trace the emergence of IANSA, the key actors in its creation as well as the breadth and the nature of the network.

Probably the first formal steps towards the launching of an international NGO campaign were taken in December 1997, at a meeting in Washington, D.C., attended by representatives from 23 different organizations.¹⁸⁶ These organizations represented conflict / disarmament, human rights / humanitarian, gun control as well as development / refugee NGOs. Judged by their participation in subsequent NGO activities, the central actors covered at least three of the four

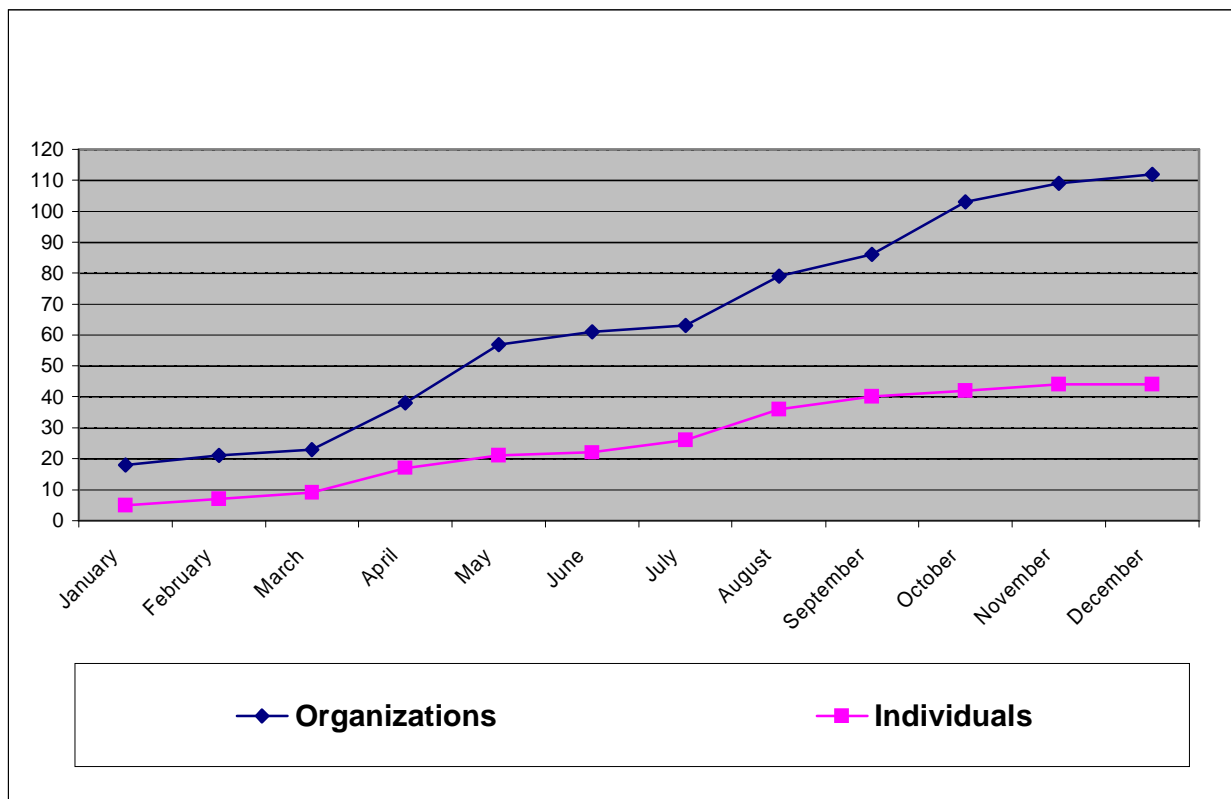
¹⁸⁴ See, for examples of the pessimistic perspective, David Morrison, 1995, “Small Arms, Big Trouble,” *National Journal* 3(18), 712; Daniel N. Nelson, 1999 “Damage Control,” *Bulletin of the Atomic Scientists* 55(1), January/February <<http://www.thebulletin.org/issues/1999/jf99/jf99nelson.html>> (last visited March 2003).

¹⁸⁵ See, for example, the discussion in Bronwyn Brady, 1995, “Collecting and Organizing Data on the Manufacture of, and Trade in, Light Weapons,” Jasjit Singh, ed., *Light Weapons and International Security*, Delhi: British American Security Information Council and Indian Pugwash Society, December, 140-151.

¹⁸⁶ Details of this meeting could be found on the Prepcom website, <http://prepcom.org>. In the meantime, this is out of service, but its content has partially been transferred to <http://sand.mii.se/>.

major interests implicated subsequently in the campaign coalition: human rights, humanitarian as well as conflict studies and disarmament groups were the most active, while the development community and faith-based groups were only weakly represented.¹⁸⁷ A similar meeting was held two months later in London, which brought on board European NGOs, again with the overwhelming representation coming from the conflict resolution, disarmament and human rights communities, with only Oxfam and Pax Christi outside of this orbit. The first major ‘Southern’ meeting on the issue was held in Johannesburg in May 1998. Its representation was very different from those of the ‘Northern’ meetings.¹⁸⁸ The conflict resolution and disarmament community was outnumbered by people from domestic and local ‘gun control’ initiatives, and non-South African representatives were drawn almost exclusively from the development NGOs or faith-based groups.

Figure 5.1: Membership in the Prepcom Network, 1998



In the follow-up to the Washington meeting, Edward Laurance of the Monterey Institute of International Studies (MIIS) established a website (<http://prepcom.org>) to serve as a clearing

¹⁸⁷ The major groups were: Human Rights Watch, Amnesty International, Pax Christi, International Alert, Saferworld, BASIC, World Vision and the Federation of American Scientists (FAS). This was largely a function of costs and timing, although it does also give some indication about the interest and ability of different NGOs to assume a major role on the issue.

house for information on governmental and non-governmental small arms and light weapons activities and initiatives.¹⁸⁹ On this website, a ‘membership’ list of interested individuals was posted that can be used to chart the development of the international campaign. Obviously, raw numbers do not tell much about the level of activities or importance of various members of the network, nor do they allow to unravel the relationships that might be implicated in such networks. This would require a detailed exercise of network mapping. Based on documents that emerged from these NGO meetings and interviews with a selection of participants it will be possible to trace the emergence of the NGO network on small arms.

Figure 5.1 illustrates how rapidly interest in this issue spread among the NGO networks. If one parses the data further, and attempts to sort the different NGOs by their main orientation or activity, the following emerges:

Table 5.1: Distribution of Prepcom Members by Area of Focus

Area of Focus	Number of NGOs
Humanitarianism / Human Rights	38
Public Health and Criminality	20
Economic Development / Governance	65
Communal Conflicts	21
Arms Control / International Security	49
TOTAL	193

Note: 38 NGOs with overlapping or mixed mandates have been double-counted. The total number of NGOs observed is 155.

Likewise, if one attempts to chart the geographic distribution of membership (organizations and individuals), one sees that the network does have ‘global reach,’ albeit with uneven

¹⁸⁸ A meeting was also held in Guatemala City in May 1997, as a follow up to a conference on post-conflict weapons collection, but it was much smaller, and did not have a broad NGO reach.

¹⁸⁹ Edward Laurance’s role in advancing the small arms issue, especially as the founder of prepcom.org, should be particularly underlined. Laurance was present at all three of the meetings noted above (Washington, London, Johannesburg), offered opening “briefings” at two of them, and was the first to promote the idea of an international “Convention on the Prevention of the Indiscriminate and Unlawful Use of Light Weapons.” This idea did not meet universal approval in the NGO world, and was subsequently dropped. He is the coordinator of the program on Security and Development at MIIS and has served as a consultant to the United Nations Department of Disarmament Affairs from 1992-2002 including the time before and after the UN 2001 Small Arms Conference.

coverage, especially in Southeast and East Asia, the former Soviet Union and the Middle East and North Africa.¹⁹⁰ The fact that the main Southern outreach has developed in Latin America and Sub-Saharan Africa appears to be the result of two different factors: in Latin America the relative density of civil society networks and associations and in Sub-Saharan Africa the strong links (which have fostered NGOs) between many of these states and the international development community. The regional membership breakdown is as follows:

Table 5.2: Geographic Distribution of Prepcom Members

Geographic Origin	Number of NGOs
North America	41
Central / South America	26
Western Europe	38
East / Central Europe	9
Sub-Saharan Africa	27
Middle East and North Africa	1
South Asia	8
Southeast Asia and the North Pacific	3
Former Soviet Union	4
TOTAL	157

These tables and figure partially capture the way in which the IANSA coalition was put together as well as its core membership. Two crucial turning points in the construction of this international campaign took place over the summer and fall of 1998, with two key meetings being held in Canada and Brussels. The first meeting, held in July 1998, was designed to hammer out a consensus draft of a campaign document that could

“develop ideas for complementary, cooperative and coordinated international action to respond more effectively to the political, social

¹⁹⁰ A second (albeit somewhat overlapping) data set can also be used to chart the network: the participation in a large-scale international conference in Brussels in October 1998, which marked the formal launching of the IANSA network. It ‘piggybacked’ upon the Prepcom network, but also drew in a somewhat larger pool, and had a slightly different geographic focus. More than 200 individuals representing about 60 different organizations took part in the Brussels meeting.

and humanitarian catastrophes wrought by the unrestrained diffusion of small arms around the globe.”¹⁹¹

The Canadian government and the Ford Foundation had sponsored this meeting. Originally, it had emerged from the work of the US (non-governmental) small arms working group and included 38 NGO participants. They were almost equally divided between North and South. Also the four-person steering committee for this meeting was balanced and included two (Northern) academics, one researcher (Southern), and one ‘activist’ NGO – the Canadian-based Project Ploughshares. The meeting represented the shift from “discussions” to “organizing” – as one participant put it, “we were told to lock ourselves in a room for a few days and come out with a campaign document.”¹⁹²

The next stage of the coalition’s creation was the Brussels meeting of October 1998. Based on the campaign document hammered out at the Canadian meeting, the International Action Network on Small Arms (IANSA) was launched there. The joint government-NGO conference included several hundred participants. A one-day NGO meeting followed that conference. The meeting involved more than 200 individuals from 60 different organizations. A draft document was discussed in several working groups, where several suggestions for amendments or improvements have been made. Beyond this ‘mapping’ of the emergence of an international coalition, there are at least five things that should be noted:

First, it is important to note that one of the key impulses that pushed NGO activists to arrange a meeting in the summer of 1998, was the fact that the Belgian government had previously announced its sponsorship of a major international conference for governmental and NGO representatives to be held in October. The involved NGOs moved their agenda forward in order to lay the groundwork for the Brussels meeting for basically three reasons:

- 1) It became clear that the Belgian government sponsored conference would become a large, and potentially significant, event.
- 2) The size of this conference would not “permit the kind of focused work that needs to happen on conceptualizing a campaign.”¹⁹³

¹⁹¹ Information is taken from invitation letter to the meeting. For details of the planning, see meeting notes from the US small arms working group of 27 March and 1 May 1998, where the initiative to hold a summer meeting was discussed and approved.

¹⁹² Interview with representative of US small arms working group, New York, 17 July 2001.

¹⁹³ Information from the notes of the US small arms working group meeting on 1 May 1998.

- 3) There was a concern that the divisions with the Belgian government (and perhaps also within involved NGOs) over the nature and scope of the October meeting might create discord within the emerging small arms movement.

Key NGO actors seized the initiative: They debated among themselves how best to proceed and established a 'policy framework.' The core NGO players were Saferworld, BASIC, International Alert, Federation of American Scientists, Amnesty International, Human Rights Watch, World Council of Churches, and Oxfam.¹⁹⁴

Second, the strength of the emerging coalition stems from its mobilization of some large NGOs that have not hitherto devoted a great deal of attention to 'security' issues – with the exception of the landmines campaign. The case of human rights organizations such as Human Rights Watch or Amnesty International illustrates this mobilizing power as well as the active participation of development or faith-based groups such as Oxfam, CARE, the World Council of Churches, Pax Christi and the Quakers. Each of these groups had to establish an explicit link between light weapons and conflict as well as to the group's core mandate. Hence, the World Council of Churches sponsored work under a "Programme to Overcome Violence," while Oxfam undertook a major study on UK export controls and exports of small arms to zones of conflict and development. According to Oxfam, the rationale for this 'arms control' formulation was that:

Oxfam has worked with the victims of conflict on projects of relief and rehabilitation for most of its institutional life. In some countries Oxfam has also been invited to participate in initiatives to promote peace and reconciliation at both local and national level. One theme running throughout all of this work, whether in Asia, Africa or Latin America (and latterly in Eastern Europe), is that the ease of access to weapons, and in particular small arms, has helped to spark conflicts, prolong conflict, destabilise relief programmes, and undermine peace initiatives.¹⁹⁵

¹⁹⁴ This list is based on two criteria: 1) regular appearance at the relevant NGO meetings; 2) membership in planning and steering committees.

¹⁹⁵ Oxfam, 1998, *Small Arms, Wrong Hands: A Case for Government Control of the Small Arms Trade* Oxford: Oxfam, April 1998, Foreword.

Similarly, for a human rights group such as Amnesty International, the core idea of “indiscriminate and unlawful use” of small arms and light weapons as a legal concept was essential to its engagement.¹⁹⁶

Third, each of these groups framed the issue of small arms and light weapons in a slightly different way. A quick summary of their positions can be found in Table 5.3. The table offers representative, but not necessarily exhaustive examples of how different NGOs lined-up on the problem of small arms and light weapons. What is important to note is that these different ways of framing the problem can generate very different visions and agendas for international action. For example, a focus on criminality and local violence leads to a strong emphasis on (national) gun control legislation. However, these gun control NGOs are less concerned with enhancing cross-border customs controls or tightening arms export legislation. Likewise, a focus on potential human rights violations causes an NGO to include both legal and illicit weapons transfer considerations in its campaign, since also legal transfers to states and non-state actors can be the source of violations of human rights and humanitarian law. As will be seen those various agendas affect the effectiveness of the coalition to achieve coherence and common objectives.

Fourth, it is obvious that the relatively broad nature of the IANSA network is a direct result of the different interests and orientations of the various stakeholders. The founding document gives equal weight to policies “which address controlling or limiting the trade in and diffusion of small arms, and those which are directed towards reducing the demand for them.” The overall framework could be called one of ‘human security’: It is “designed to enhance sustainable development and to promote the development of cultures of peace.”¹⁹⁷ This broad roof covers a large number of possible policy initiatives. On the ‘supply’ side, they include measures such as enhancing domestic firearms control and regulation, collecting and destroying surplus weapons, strengthening police and customs cooperation, increasing international information exchanges and transparency, restricting the export of surplus weapons, and promoting inter-state agreements to prevent illicit trafficking. On the ‘demand’ side, they include promoting peaceful conflict resolution, reforming security institutions, or replacing cultures of violence by cultures of peace through education.

¹⁹⁶ Brian Wood, Amnesty International, made this point in both the Washington and London NGO meetings cited below, and it appears to have won broad acceptance.

¹⁹⁷ IANSA draft of founding document, *Policy Framework* <<http://www.iansa.org/mission/m1.htm>> (last visited March 2003).

Table 5.3: Different Ways of Framing the Small Arms and Light Weapons Problem

Statement of Problem	Description of Problem	NGO Groups Implicated (representative listing only, not comprehensive)¹⁹⁸
Humanitarianism and Human Rights	culture of violence; child soldiers; personal insecurity; vulnerable groups (women, visible minorities; ethnic groups); excessively injurious weapons	Amnesty International, Human Rights Watch, ICRC
Public Health and Criminality	Drugs/terror/arms nexus; increase in petty criminality or 'disorganized' crime; 'contagion effect'	Gun Control Network UK, HELP, Viva Rio, Coalition to Stop Gun Violence, WCC, Gun Free South Africa
Economic Development and Good Governance	'gun as livelihood' problem; extortion; corruption; weak climate for investment	Oxfam, Pax Christi, World Vision, World Council of Churches, CARE
Communal Conflicts Extra-Regional	flow of light weapons increases level of violence and intractability of communal wars	Project Ploughshares, International Alert, Centre for Conflict Resolution (South Africa)
Conflict Intervention and Regional Destabilization	grey market transactions (govt. to govt. or insurgent) designed to affect course of a conflict, conflict spillover, recycling of surplus weapons	BICC; Monterey Institute, CISD, GRIP, NISAT, FAS, Saferworld, BASIC, UNIDIR

Fifth and finally, the problem with such an incoherent action plan is that it is difficult to trace how the results have been influenced by the efforts of the IANSA coalition. The simple assertion that a wide range of concerned NGOs thinks there is a small arms problem does not necessarily mean that concrete measures to address this problem can be traced to this assertion. Likewise, a broad agenda means that it is difficult to see how NGO efforts to influence state policies and negotiations have any impact. For example, in the case of the campaign to ban landmines, the clarity of ICBL's goal, i.e. a total ban, provided a standard against which the success of the campaign and the evolution of state policies could easily be judged. The small arms movement is much less cohesive and focused.

5.4 State leadership and NGO-middle power cooperation

NGO activities become of any theoretical and practical relevance if they have an impact on how states or other actors in the international system behave and pursue their interests.¹⁹⁹ But

¹⁹⁸ Several NGOs are also implicated in more than one of these framings; the grouping is to illustrate principle concerns only.

the influence of NGOs on state policies and practices is – for basically two reasons – often difficult to show: First, the generation of new international institutions does not necessarily mean that the ‘problem’ the NGO coalition has helped to highlight and address has actually been ‘solved.’ The relationship of the Ottawa Treaty to the actual elimination of the scourge of anti-personnel landmines is a good example. One could argue that many state policies are designed simply to give the appearance of having dealt with the problem, without taking further concrete steps.²⁰⁰ Second, the relationship between states and NGOs is usually very complex. Increased NGO activity can be as much a result of changed state policies as a cause of it. Evidence for the latter (i.e. change of states’ behavior) begins with the emergence of new topical NGO coalitions where none have been before. But the mere emergence of a new coalition and its success to publicize an issue does not by itself mean that governments have actually changed their behavior or the way in which a problem has been framed has fundamentally shifted.

The last point hints at a deeper problem that is certainly not confined to the small arms and light weapons problematic: if the changes under investigation have to be directly connected to specific goals of NGOs or the international coalition (bargaining power), there is little room for examining the broader impact of NGO action (structural power), which would be directed at affecting the international security agenda in general.²⁰¹ If one goal of IANSA is a global reduction in gun violence – as it is the case for some members of the small arms campaign –, then the pathways to such a goal are very complex to trace. Similarly, if the goal is simply to keep the issue of small arms and light weapons high on the international security agenda,²⁰² then the success or failure of these efforts will not be well-captured by looking for the creation of new interstate institutions or formal practices.

¹⁹⁹ Hence the relatively great attention paid to such things as the Montreal Protocol on combating ozone depletion, the Chemical Weapons Convention, or implementation of international human rights instruments. See Richard Price, 1997, *The Chemical Weapons Taboo*, Ithaca: Cornell University Press; Kathryn Sikkink, 1993, “The Power of Principled Ideas: Human Rights Policies in the United States and Western Europe,” in Judith Goldstein and Robert Keohane, eds., *Ideas and Foreign Policy: Beliefs, Institutions and Political Change*, Ithaca: Cornell University Press, 139-170.

²⁰⁰ However, it is questionable whether a particular NGO or coalition of NGOs is to blame if states do not implement the rules they have committed themselves to.

²⁰¹ On the distinction between bargaining and structural power, see Steven Lukes, 1974, *Power: A Radical View*, London: Macmillan; Keith Krause, 1991, “Military Statecraft: Power and Influence in Soviet and American Arms Transfer Relationships,” *International Studies Quarterly* 35(3), September 1991, 313-336; Stefano Guzzini, 1993, “Structural Power: The Limits of Neorealist Analysis,” *International Organization*, 47(3), Summer 1993, 443-478.

²⁰² NGOs might not only be interested to keep the issue on the international (security) agenda to actually solve the problem, but also to receive more resources to launch a wide range of initiatives. Such initiatives can include additional information and awareness-raising campaigns, development assistance, buy-back programs, capacity building and grassroots work.

As Paul Wapner puts it:

The conception and meaning of NGOs in world affairs [...] will remain problematic as long as scholars remain focused on the relations between NGOs and the state, and ignore the civic dimension of NGO efforts. NGO activities within and across societies are a proper object of study and only by including them can one render an accurate understanding of NGOs, and by extension, world politics.²⁰³

In short, how one thinks about politics in general determines how one regards the activities and influence of NGOs. In this respect, a rationalist conception is not really adequate, because it can only insufficiently incorporate the structural dimension of NGO power.²⁰⁴

All of the above mentioned difficulties appear in the small arms movement. Identifying the causal mechanisms and effects of NGO activities is particularly difficult. As will be shown below there are some important small arms initiatives in which NGO activities followed rather than preceded state or inter-governmental efforts. In those cases, state sponsorship has been critical to the ‘success’ of initiatives, where later on also NGOs have actively participated. This does not mean that the emergence of the IANSA campaign itself is simply a consequence of state efforts, but that some particular small arms initiatives have been basically launched by governments rather than by NGOs. Indeed, there are several examples of those initiatives into where *initial* NGO input appears to have been slow or even non-existent.²⁰⁵

First, with regard to UN activities there are at least three areas where governments and the UN itself have dominated the initial steps. In general terms, the emergence of the small arms issue on the UN agenda does not appear directly connected with activities of NGOs usually involved in promoting this issue. The UN advisory mission to Mali in August 1994,²⁰⁶

²⁰³ Paul Wapner, 1996, *Environmental Activism and World Civic Politics*, New York: SUNY Press, 10.

²⁰⁴ In more traditional IR theories such as Realism non-state actors are completely pushed to the margins of analysis.

²⁰⁵ It is important to note that some small arms initiatives were solely launched by NGOs. Governments have only joined later these campaigns either by financing those activities or by actually engaging in an NGO-state partnership. For example, the UN General Assembly picked up the Fund for Peace’s Model Convention on Arms Brokering after the UN 2001 Small Arms Conference in fall 2001.

²⁰⁶ The original Malian request for UN help dated back to 1993. The first mission included two ex-generals as advisors. For details see Robin-Edward Poulton and Ibrahim ag Yousouf, 1998, *A Peace of Timbuktu: Democratic Governance, Development, and African Peacemaking*, Geneva: UNIDIR, 151-155.

repeated references to the small arms problems by the Secretary-General²⁰⁷ and the first UN experts' group study in 1997²⁰⁸ were all launched by government or UN authorities and the first measure has actually resulted in a small arms moratorium in West Africa. NGOs have only supported and joined these initiatives later by providing their expertise²⁰⁹ and particular 'NGO legitimacy' in their subsequent role in the policy development.

Second, the Norwegian Initiative on Small Arms Transfers (NISAT) was primarily borne out of Norway's involvement with the Mali disarmament and demobilization project. It was developed in conjunction with the Norwegian foreign ministry's efforts to coordinating policy-relevant research by NGOs think tanks and NGOs in this area.²¹⁰ The creation of NISAT was not a direct NGO response to the small arms problem. It was rather Norway who wanted to assume a leading role in the emerging coalition of like-minded states acting on this issue.²¹¹

A third important state-sponsored initiative has been the Organization of American States' "Inter-American Convention Against the Illicit Manufacture of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials." This 1997 regional convention focuses on the long-standing concern of many Latin American states with the illicit trafficking in arms. It also makes explicit links between drug cartels and other criminal activities such as arms smuggling. It has been widely cited as a regional 'model,' but its sources are not NGO concern, but rather state concerns over domestic security.²¹²

Finally, not much attention has been paid by criminal justice and firearms control NGOs to the activities of the UN Commission on Crime Prevention and Criminal Justice. In early 1999,

²⁰⁷ The most prominent document in this respect is UN Secretary-General Boutros Boutros Ghali's report "Supplement to an Agenda for Peace." See United Nations General Assembly, 1995, *Supplement to an Agenda for Peace*, Position Paper of the Secretary-General on the Occasion of the Fiftieth Anniversary of the United Nations, UNGA Document A/50/60, 25 January 1995.

²⁰⁸ United Nations General Assembly, 1997, *Report of the Panel of Governmental Experts on Small Arms*, A/52/298 of 27 August 1997.

²⁰⁹ The Norwegian Initiative on Small Arms Transfers (NISAT) hosted by the International Peace Research Institute, Oslo (PRIO) illustrates this NGO-state relationship. NISAT runs databases on small arms transfers and provides information on the ECOWAS small arms moratorium as well as monitors it. The Norwegian government provides most of the funding to support this initiative.

²¹⁰ With government support four NGOs, the Norwegian Red Cross, the Norwegian Church Aid, PRIO, and the Norwegian Institute for International Affairs launched NISAT in December 1997.

²¹¹ Other partners in this emerging government coalition include Belgium, Canada, Japan, South Africa, Switzerland and the Netherlands.

²¹² Latin American concern over illicit trafficking goes back to the late 1980s. It was first expressed in a UN General Assembly resolution on illicit arms transfers of 1988. See UN General Assembly Resolution 43/75I (1988). See also "Measures to Curb the Illicit Transfer and Use of Conventional Arms," UN General Assembly Resolution 49/75M, 15 December 1994.

it had started preparatory work for negotiations on a 'Firearms Protocol.' NGOs and activist groups that usually deal with such problems were only marginally linked to this process. They did not appear to have contributed to the final protocol in a significant way.²¹³

State sponsorship has been essential to the development of many NGO activities. It could easily be argued that the path of 'influence' between states and NGOs has been reversed: In many cases NGO activism can be attributed to the heightened interest of particular states – mostly middle-powers – in pursuing international initiatives in this area.²¹⁴ Prominent examples of this would include the Canadian sponsorship of the August 1998 NGO consultation, the Norwegian sponsorship of the NISAT project, the Belgian sponsorship of the October 1998 Brussels meeting, and the Swiss sponsorship of NGO seminars and workshops as well as the Small Arms Survey in Geneva. In most of these cases, sponsorship means basically funding NGO activities, but also includes genuine government activities in this area.²¹⁵ This implies that the activities of NGOs are at least partially influenced by state leadership and not merely by their own priority setting. This also highlights the complex nexus of state-civil society interactions in a broader context of 'global civil society.'

5.5 Networking and lobbying during the UN Small Arms Conference

Similarly as with the bilateral state-NGO relationship there has been a complex interplay between the various NGOs present at the UN Small Arms Conference and the government as well UN representatives. Just as the NGOs and various lobby groups have influenced the Conference, the Conference had also its impact on the NGOs. It is therefore important to look at the variety of roles played by NGOs both before and during the Conference.

Two distinct NGO communities can be identified throughout the preparatory process and during the Conference itself.²¹⁶ By far the larger community was the broad coalition of some

²¹³ See chapter 3.3 (Targeting the Problem: Looking for the appropriate forum) for further information on the negotiation process of the firearms protocol.

²¹⁴ On the motivations of middle-powers to be active in 'niche' policy areas such as small arms control and what particular roles they are trying to play see Stefan Brem, 2001, "Middle Powers Tackling Big Problems: New Coalitions to Control Trade in and Misuse of Small Arms and Light Weapons?" Paper prepared for the APSA Annual Meeting. San Francisco, CA, 29 August – 2 September, 2001.

²¹⁵ It is worth noting that some foundations, e.g. the Ford Foundation, have also sponsored NGO in this area. There are a few NGOs such as the Human Rights Watch and Amnesty International whose work has been almost free of state sponsorship.

²¹⁶ It would be wrong to use the term community in a sense of a coherent, strictly organized group or network. In the case of the small arms control movement it is rather a collection of NGOs loosely bound together by IANSA and a lowest common denominator – a fundamental concern about small arms. On the other hand, the pro-gun lobby groups were united in their attempt to avoid any kind of small arms restrictions and regulations on domestic and international level.

300 groups working to control the proliferation of small arms and their effects. They were brought together under the umbrella of the International Action Network on Small Arms (IANSA). The second group represented the firearms community. It saw the Conference as a threat to the right of gun owners and sport shooters to carry their weapons. Under the leadership of the World Forum on the Future of Sport Shooting Activities (WFSA), this group worked vigorously to minimize Conference outcomes. However, its most outspoken member was the National Rifle Association (NRA) of the United States. It worked closely together with the US delegation – before and throughout the Conference. One issue both non-governmental communities agreed was maximizing the official role of NGOs at the Conference. They have started to press this issue already during the PrepCom process.²¹⁷

It is not uncommon that NGO access to UN processes is controversial. This is especially the case when international security issues are discussed and negotiated. Yet one of the key functions of holding a UN conference is to draw greater public attention to the relevant theme. From the UN's earliest days, NGOs have thus been seen to play an important public relations role for the global organization. In the case of the Small Arms Conference, states differed widely on the permissible degree of NGO participation. During the first two sessions of the PrepCom,²¹⁸ there were differing views among states over the types of NGOs that should be allowed to participate. For example, states such as Algeria and China wished to completely restrict NGO participation because they feared they would highlight human rights issues. The modalities agreed at the third PrepCom in March 2001 gave NGOs a recognized role in the remainder of the preparatory process and in the Conference itself.²¹⁹

A number of NGOs were present during all three PrepCom sessions, and representatives of NGOs were allowed to address special meetings of the second and third sessions. These presentations were well received and helped to temper the fears of certain delegations (e.g. Algeria, China) that NGOs would 'hijack' the Conference or cause embarrassment to certain

²¹⁷ David Atwood, 2001, *NGOs and the 2001 UN Conference on Small Arms*, Background Paper, Geneva: Small Arms Survey.

²¹⁸ All three Prepcom sessions were held in New York. The first session took place from 28 February to 3 March 2000, the second from 8 to 19 January 2001 and the third from 19 to 30 March 2001.

²¹⁹ United Nations General Assembly, 2001, Decision on the Modalities of Attendance of Non-governmental Organizations at the Sessions of the Preparatory Committee as well as the Conference, A/CONF.192/PC/39 of 23 March 2001.

delegations. The NGOs themselves thought that their involvement had improved during the process.²²⁰

A large number of NGOs were present at the Conference. Originally, almost 180 NGOs have requested accreditation to it.²²¹ Ultimately, 119 organizations registered and 380 representatives actually attended it.²²² They represented domestic gun control groups, groups concerned by the humanitarian effects of SALW proliferation or their impacts on development or health, faith-based groups on the one hand and gun collectors, sport-shooting associations and small arms producers on the other hand. While these numbers were modest in comparison with some other UN conferences, they succeeded in making their presence felt.

The plenary session on 16 July 2001, Monday of the second week of the Conference, was probably the most important expression of the NGO role at the Conference. The 42 presentations given by representatives of both the pro-ban and pro-gun NGOs reflected the full range of their expertise, concerns and interests.²²³ A series of side events was held by various NGOs in rooms near the main Conference rooms on themes like “Small Arms Issues in Africa” or “The Impact of Small Arms on Children.” Considerable NGO attention and support was also given to gun destruction events held by various governments in different parts of the world on 9 July, the opening day of the Conference.

NGOs were also an important source of information on Conference developments, issuing daily reports distributed inside the UN and worldwide. A number of countries such as Canada, Ireland, Netherlands, New Zealand, Norway, Switzerland, and the United Kingdom included NGO representatives in their delegations.²²⁴

It is difficult to determine with any precision the impact of the NGO presence on the Conference outcome. The *Programme of Action* that emerged from the process represented a watering down of previous drafts. In this sense, the firearm community had more impact,

²²⁰ Report on the participation by the International Physicians for the Prevention of Nuclear Weapon War (IPPNW) at the 2nd session of PrepCom for the UN Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, 8-19 January 2001 <<http://www.ippnw.org/SmallArmsPrepComm2.html>>.

²²¹ List of NGOs requesting accreditation in accordance with Draft Rule 64 includes 177 entries <<http://disarmament2.un.org/cab/smallarms/ngolist.htm>>.

²²² United Nations Department for Disarmament Affairs (UNDDA). 2001. “A Programme of Action.” *DDA 2001 Update* June-July <<http://disarmament2.un.org/update/Jun2001/Jun2001.htm>>.

²²³ The full NGO statements can be seen on the UN 2001 Small Arms Conference website <<http://disarmament2.un.org/cab/smallarms/ngospeakers.htm>>.

²²⁴ See United Nations General Assembly, List of Participants, A/Conf.192/PC/28, 15 January 2001. Accessible on the UN 2001 Small Arms Conference website <<http://disarmament2.un.org/cab/smallarms/confdoc.htm>>.

because of its influence on the negotiating position of one state – the United States. It was widely credited as inspiring the uncompromising US position that forced the withdrawal of key provisions from the *Programme of Action*.²²⁵

However, the real long-term impact of the IANSA-affiliated NGOs on the Conference process is undoubtedly much more substantial. The presence of these NGOs in New York not only underlined the importance of this agenda, but also strengthened the positions of those states which struggled to hold the line against further erosions of the language contained in previous drafts of the *Programme of Action*. At the same time, the encounters of delegation members and NGOs in New York will undoubtedly consolidate relationships that will form a key part of post-Conference follow-up.

It is also important to note that the Conference was the result of many years of activity by governments and NGOs. In the run-up to the Small Arms Conference the NGOs developed their positions, strengthened their networks, engaged new constituencies, and raised substantial funds. Indeed, it seems that the 2001 Conference has strengthened the capacity of the small arm control movement to further engage in the post-Conference work. The experience of NGO involvement in the UN Conference process can leave no doubt that they will continue to be essential actors in the next stages of international action on small arms.²²⁶

Reporting is a key aspect of their role as essential actors. Various proposals called for a reporting mechanism on the implementation of the *Programme of Action*. Until the very last moment, the draft text included provision for biennial country reports to the Secretary-General and another produced by the Secretary-General. As with other specific follow-up mandates, this initiative was dropped in the final text. However, IANSA felt that it had a mandate by the *Programme of Action*²²⁷ and launched a questionnaire initiative to gather information on national small arms activities and initiatives. The information is provided – similar to the Landmine Monitor Report by the ICBL – by domestic and local NGOs and gathered and compiled by IANSA in partnership with the Biting the Bullet Consortium²²⁸. The first IANSA Report has been produced for the July 2003 Biennial meeting of States to assess the progress made by the states in implementing the *Programme of Action*. IANSA's

²²⁵ Stohl Rachel, 2001, "United Nations Weakens Outcome of UN Small Arms and Light Weapons Conference," *Arms Control Today* 31(7) September, 34-5.

²²⁶ See, for example, UNGA 2001, A/CONF.192/15, section I, para. 16; section II, para. 40; section III, para. 2; section IV, para 2(c).

²²⁷ Specifically by UNGA, 2001, A/CONF.192/15, section IV, para 2.

covering letter stated that “NGOs in each country are well-placed to assess the extent of their own governments’ implementation of this agreement [i.e. the *Programme of Action*].”²²⁹ By compiling and publishing information on the implementation status, IANSA provided an important service for the involved actors, both government and NGO community.

A similar debate took place on the question of small arms brokering. Already before the Conference, Fund for Peace – a research institute that focuses on development and security issues – has released several studies on this subject and has also elaborated a draft convention on brokering.²³⁰ Representatives from Fund for Peace presented the draft convention on brokering during the Conference as well as on other occasion before. Nevertheless, the discussion of how to tackle illicit brokering was much less advanced than it could be based on the non-governmental, but expert-based draft. As a result, there was much less confidence that the regions and the international community were prepared to start negotiating a legally binding brokering instrument. The Conference quickly developed a consensus that states needed to regulate the activities of brokers at the national level, especially since very few countries actually had already such regulation. The United States suggested that model legislation be developed as a precursor to an international instrument – and offered to use its own brokering legislation as a guiding example. As a lowest possible consensus on a global level, governments are committed in the final *Programme of Action* “[t]o develop common understandings of the basic issue and the scope of the problems related to illicit brokering.” At least – and due to the insistence and lobby activities of the Fund for Peace and other pro-regulation NGOs, the UN General Assembly picked up and discussed the Model Convention on Arms Brokering after the UN 2001 Small Arms Conference in fall 2001.

²²⁸ The consortium includes NGOs and university institutes such as Saferworld, International Alert and Bradford University’s Department of Peace Studies.

²²⁹ Implementation of the UN Programme of Action: Questionnaire for the IANSA Report for the 2003 Biennial Meeting of States <www.mena-small-arms.org/Roundtable_Meeting_report-Fen_2003__by_RHSC.pdf>.

²³⁰ Fund for Peace. 2001. *Model Convention on the Registration of Arms Brokers and the Suppression of Unlicensed Arms Brokering*, Prepared for the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, Washington, DC: Fund for Peace. <http://www.fundforpeace.org/publications/reports/model_convention.pdf>; Loretta Bondi, 2001, *Expanding the Net: A Model Convention on Arms Brokering*, A Briefing Paper for the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, Washington, DC: Fund for Peace. <<http://www.fundforpeace.org/publications/reports/expandingnet.pdf>>

5.6 The future role of NGOs in the implementation of the Programme of Action

The *Programme of Action* itself provided a mandate for all actors – not only national governments, but also NGOs – to contribute to the follow-up of the UN 2001 Small Arms Conference. In particular, it engaged “the United Nations and other appropriate international and regional organizations to undertake initiatives to promote the implementation of the *Programme*”. It further called upon “non-governmental organizations and civil society to engage, as appropriate, in all aspects of international, regional, subregional and national efforts to implement the present *Programme*.”²³¹ These paragraphs were essential to those states that wanted an explicit mandate to proceed vigorously with supporting efforts to deal with small arms. Equally important for this purpose was the statement that encouraged “all initiatives to mobilize resources and expertise to promote the implementation of the *Programme of Action* and to provide assistance to States in their implementation of the *Programme*”. In principle, almost everything done to address the small arms problem can now be supported by the UN *Programme of Action*.

At this stage in the process, at least five conclusions can be drawn:

- The relatively rapid rise in the issue of small arms and light weapons on the international agenda is the result of a complex constellation of factors, of which direct NGO pressure is an important element.
- Perceptions about what constitutes ‘security’ and what is an appropriate subject for international oversight, transparency and accountability have had to shift from a traditional to a broader concept in order for this issue to rise on the international agenda.²³²
- Although several small arms control NGOs have been ‘entrepreneurial’ in the sense that they have shifted their activities to take advantage of perceived

²³¹ In particular UNGA, 2001, A/CONF.192/15, section IV, para 2.

²³² One example of this change is reflected by the UN Security Council Resolution 1209 of 19 November 1998, the first operative paragraph of which reads: “Expresses its grave concern at the destabilizing effect of illicit arms flows, in particular of small arms, to and in Africa and at their excessive accumulation and circulation, which threaten national, regional and international security and have serious consequences for development and for the humanitarian situation in the continent.” The language is that of classic “international security” issues, yet the context (and the rest of the resolution) departs significantly from this logic. The second example is the final communiqué of the NATO Ministerial meeting (8 December 1998), which in noting the Euro-Atlantic Partnership Council action agenda for the next year, referred positively to the inclusion of “arms trafficking, control of small arms transfers and means of encouraging de-mining,” as issues under the arms control and non-proliferation agenda.

openings in the international agenda to pursue this issue, the taking up of this issue by NGOs from the development and human rights communities reflects a growing realization that the unchecked proliferation of small arms and light weapons has jeopardized the achievement of their core mandate in the field.

- The momentum that the issue has is the result of the actions by a core group of like-minded states as well as NGOs. Most of these states have also realized that working with a broad NGO coalition increases their international profile and leverage.
- The links between NGOs, states and intergovernmental organizations, and the pathways of influence among them, are far more complex than any simple IR model can capture. The problem with such a broad action plan of the pro-regulation NGOs is that it is difficult to trace how the results have been influenced by the efforts of the IANSA coalition itself.

6 UN SMALL ARMS CONFERENCE

*The Secretary-General warmly welcomes the news today that the [UN Small Arms Conference ...] was able to reach a consensus on many important first steps in alleviating this grave threat to international peace and security and to human security. He praises these steps as essential in building norms and in implementing collective measures against this global scourge.*²³³

—Press Release on behalf of Kofi Annan,
UN Secretary-General,
July 21, 2001.

6.1 Preparing for the Conference

Early in the morning, at about 6.00am on Saturday, 21 July 2001, the *United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All its Aspects* concluded. After several years of preparation and two weeks of difficult negotiations at the UN headquarters in New York, the national delegations reached a consensus on a *Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All its Aspects*.²³⁴

The *Programme* spelled out the security, humanitarian, and socio-economic consequences associated with the illicit trade and destabilizing accumulation of small arms and light weapons. It also included a set of norms to guide the actions of states in addressing these problems. By agreeing to this *Programme*, national governments made a commitment to

²³³ United Nations Press Office, 2001, “Secretary-General Congratulates Conference on ‘Important First Steps’ to Combat Small-Arms Scourge,” Press Release. SG/SM/7896, DC/2796, 21 July 2001 <<http://www.un.org/News/Press/docs/2001/sgsm7896.doc.htm>> (last checked March 2003).

²³⁴ The full text of the final *Programme of Action* is included in the *Report of the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All its Aspects* (UNGA, A/CONF.192/15) and is available on <http://disarmament.un.org/cab/smallarms/files/aconf192_15.pdf> and attached in the Appendix of this dissertation.

implement a series of measures at the national, regional, and global levels. It was also agreed to hold a conference every two years to assess the progress made and to review the implementation of the *Programme* more thoroughly at a conference no later than 2006.

The *Programme of Action* provides a mandate for the United Nations, national governments, business sector, and NGOs to develop and implement practical measures to prevent and reduce the small arms problem. UN Secretary-General Kofi Annan welcomed the news that the Conference “was able to reach a consensus on many important first steps in alleviating this grave threat to international peace and security [...]” He particularly praised these steps as “essential in building norms and in implementing collective measures against this global scourge.”²³⁵

This chapter analyses the events leading up to the Conference and the two weeks of the Conference. It also provides an assessment of the *Programme of Action*, and looks at how the various contentious issues were resolved – or deferred.

6.2 PrepComs and Shortcomings: The road to the Conference

The initial task of defining the problems associated with small arms and light weapons fell to the UN Panel of Governmental Experts on Small Arms (‘1997 Panel’), which was established following a UN General Assembly resolution in December 1995.²³⁶ The 1997 Panel met from June 1996 until August 1997 and issued a report to the UN Secretary-General. This report addressed the following points:

- The types of small arms and light weapons being used in conflicts;
- The nature and causes of accumulation and transfer of small arms and light weapons, including illicit production and trade;
- The ways and means to prevent and reduce the excessive and destabilizing accumulation and transfer of small arms and light weapons.²³⁷

As part of its recommendations, the report called for an “international conference on illicit arms trade in all its aspects, based on the issues identified in the present report”.²³⁸ The specific objectives of the conference were only gradually delineated.

²³⁵ United Nations Press Office, 2001, “Secretary-General Congratulates Conference on ‘Important First Steps’ to Combat Small-Arms Scourge,” Press Release. SG/SM/7896, DC/2796, 21 July 2001 <<http://www.un.org/News/Press/docs/2001/sgsm7896.doc.htm>> (last checked March 2003).

²³⁶ General Assembly Resolution 50/70B of 12 December 1995 (UNGA A/RES/50/70) <<http://www.un.org/documents/ga/res/50/a50r070.htm>> (last checked February 2003).

²³⁷ UNGA A/RES/50/70, section B, para. 1.

While some countries favored holding such a conference, others were opposing it – for a variety of reasons. Supporting countries viewed the conference as a way to raise awareness and develop norms of behavior. It was also seen as a starting point to develop specific actions to which countries would commit themselves. Additionally, some viewed a conference as the only way to broaden the issue of illicit arms beyond a narrow arms control focus. On the other hand, skeptics were more cautious, fearing that it was too soon to hold such a conference, which could detract energy from the ‘real work’ of dealing with the small arms issue particularly on the regional level. Some countries were also concerned about putting the small arms issue into the orbit of the UN disarmament system, because they feared that the issue would be knocked down by the consensus rule or be hijacked by the pro-gun lobby – this in contrast to the success the landmine movement achieved outside the UN system. Finally, other countries were opposing such a conference, because they wanted to avoid any global discussions on an issue they saw as a matter of national sovereignty.

Compromising to hold a UN conference

In the end, a typical UN compromise was reached by appointing a Group of Governmental Experts on Small Arms (‘1999 Group’) to assess the implementation of the report of the 1997 Panel and further develop the concept of the conference.²³⁹ Starting in May 1998, the ‘1999 Group’ was meeting to further develop the recommendations of the ‘1997 Panel.’ The most important issue was to prepare an international conference. Many countries had in fact indicated their support for a conference on the illicit trade in small arms. As a result, the UN General Assembly resolution on small arms of 1998 contained the decision “to convene an international conference on the illicit trade in all its aspects.”²⁴⁰

By late 1998, the move towards a conference had been influenced by the signing of the Ottawa Treaty²⁴¹ in 1997 to ban the use of anti-personnel landmines. The UN secretariat and those countries who relied on the United Nations to tackle global problems were very

²³⁸ United Nations Panel of Governmental Experts on Small Arms, 1997, Report of the Panel, A/52/298, 27 August 1997 <[http://ods-dds-ny.un.org/doc/UNDOC/GEN/N97/226/20/PDF/N9722620.pdf](http://ods-dds-ny.un.org/doc/UNDOC/GEN/N97/226/20/PDF/N9722620.pdf?OpenElement)> (last checked March 2003).

²³⁹ United Nations General Assembly. 1997. Resolution 52/38J, adopted 9 December 1997. A/RES/52/38 of 8 January 1998.

²⁴⁰ United Nations General Assembly. 1998. Resolution 53/77E, adopted 4 December 1998. A/RES/53/77 of 12 January 1999, para 1.

²⁴¹ The official name of the Mine Ban Treaty or Ottawa Treaty is ‘Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction.’ For the development of the Ottawa Treaty see, e.g., Ken Rutherford, 2000, “The Evolving Arms Control Agenda: Implications of the Role of NGOs in Banning Antipersonnel Landmines,” *World Politics* 53(1), October, 74 – 114.

concerned that the Ottawa Treaty could set a precedent that would see more and more security and disarmament negotiations would take place outside the UN framework. They were thus interested in keeping the small arms issue within the United Nations. They were well aware that the International Campaign to Ban Landmines (ICBL) and supportive governments felt that the UN process had failed and therefore chose to create another negotiation framework to hammer out a resolution, i.e. a complete ban of landmines. While only in its formative stages, IANSA²⁴², an NGO network of campaigns partially modeled on the ICBL, was beginning to push governments for a solution to the small arms problem in all its aspects.

The results of the 1999 Group

The ‘1999 Group’ had a dual-purpose mandate: The first task was to assess progress made on the 1997 Panel’s recommendations. They were designed “to reduce the excessive and destabilizing accumulation and transfer of small arms and light weapons in specific regions of the world where [these] have already taken place” and “to prevent such accumulations and transfers from occurring in the future.”²⁴³ The second task of the ‘1999 Group’ was to report “on further actions recommended to be taken.” This included developing specific aspects of the conference such as venue, agenda, objectives, and other procedural matters.²⁴⁴

In the process of addressing “further actions to be taken” by the United Nations, international and regional organizations, as well as governments,²⁴⁵ the ‘1999 Group’ provided a set of recommendations that served as a major source of actions for the planned conference. The ‘1999 Group’ was quite representative of the United Nations as it included European countries, the United States, China, and members of the Non-Aligned Movement (NAM). In fact, the debates that took place within the ‘1999 Group’ already forestalled the difficulties that would dominate the conference two years later.

The ‘1999 Group’ made recommendations on issues relating directly to the conference. They had an impact both on the conference process itself as well as the outcome. Particularly, the Group recommended that the objective of the conference should be to develop and strengthen

²⁴² IANSA was officially launched at the Hague Appeal for Peace conference in The Hague, in May 1999. Its predecessor, the Preparatory Committee for a Global Campaign on Small Arms and Light Weapons, began as a website campaign and knowledge exchange platform, <<http://www.prepcom.org>>, in January 1998. See in particular chapter 5 on the evolution of IANSA as well as e.g. Peter Batchelor, 2002, “NGOs and the Small Arms Issue,” *Disarmament Forum* 1, 37-40.

²⁴³ United Nations General Assembly, 1997. *Report of the Panel of Governmental Experts on Small Arms*, A/52/298 of 27 August 1997, para 78.

²⁴⁴ United Nations General Assembly, 1997, Resolution 52/38J, adopted 9 December 1997. A/RES/52/38 of 8 January 1998.

²⁴⁵ UNGA, 1997, A/52/298 of 27 August 1997, section IV.

international efforts to prevent, combat, and eventually eradicate the illicit trade in small arms and light weapons. Prior to this, several key countries, especially the United States, had played down the need for international initiatives. Other countries were concerned that the focus on global efforts would reduce, or at least undermine, regional and sub-regional achievements. As a compromise, the Group recommended that the conference should strengthen or develop norms and measures at the global, regional, and national levels. Regarding the scope of the conference, the '1999 Group' addressed the fine line between illicit and licit in a comprehensive manner, noting that:

the illicit trade in small arms and light weapons is closely linked to the excessive and destabilizing accumulation and transfer of such arms. The scope of the Conference should therefore not be limited to criminal breaches of existing arms legislation and export/import controls but consideration should be given to all relevant factors leading to the excessive and destabilizing accumulation of small arms and light weapons in the context of the illicit arms trade.²⁴⁶

Like its predecessor, the '1999 Group' did not, however, attempt to establish a formal agenda for the conference. It also deferred the decisions on dates and venue to the preparatory meetings. This was a major shortcoming at this stage.

By late 1999, it was clear that there would be a UN conference on small arms. The contentious work of shaping a formal decision began with the drafting of the UN General Assembly resolution 54/54V,²⁴⁷ despite the misgivings some countries had about the initiative. Prior agreement on key assumptions and principles were codified in this resolution which was adopted in December 1999. Countries had little difficulties agreeing on most of the preambular paragraphs. The resolution defined the small arms problem as urgent and in need for a comprehensive approach to its resolution. It further recognized the importance of civil society as well as the humanitarian and socio-economic consequences stemming from the ready availability of small arms. It established a connection between terrorism, organized crime, and drug trafficking. In the resolution, the UN members decided to convene a conference in June/July 2001 and to hold three preparatory committee meetings (PrepComs). At that stage, only the date for the first meeting (28 February to 3 March 2000) was agreed.

²⁴⁶ United Nations General Assembly, 1997, A/52/298 of 27 August 1997, para 132.

²⁴⁷ United Nations General Assembly, 1999, Resolution 54/54V, adopted 15 December, A/RES/54/54 of 10 January 2000.

Details on the venue and dates of the Conference as well as the other two PrepComs were left to the first PrepCom to decide. Also other important issues such as objectives and agenda of the Conference as well as a draft document that would later become the *Programme of Action* where deferred.

The progress and results of the PrepComs

The actual work of the Conference began with the first meeting of the PrepCom at the UN Headquarters in New York, from 28 February to 3 March 2000. This meeting got bogged down in procedural issues – such as NGO participation. There was little substantive discussion. Despite this disappointment for more progressive countries, the proposed *Programme of Action* began to take shape as governments laid out their basic positions.

There was a fair amount of agreement on a range of measures more strictly related to the illicit trade in small arms. These included the need for effective border controls, better enforcement of existing UN arms embargoes, improvements in marking and tracing of small arms, the need for safe and secure storage of stockpiles, the destruction of surplus weapons, but also the right of sovereign states to produce, acquire, use, and export small arms and light weapons. Predictably, there was no agreement on the more contentious subjects where national interests were an issue of discussion such as making a link between responsible weapons transfers and human rights as well as humanitarian law.

Given the preliminary and inconclusive results from the first meeting, the chairman of the PrepComs, Ambassador Carlos dos Santos, Permanent Representative of Mozambique to the United Nations, conducted two informal consultations prior to the second PrepCom session. These consultative meetings were held in New York from 17 to 19 July and on 6 October 2000. At the second consultative meeting, Ambassador dos Santos issued an informal proposal entitled *Draft Structure and Elements for a Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All its Aspects*. In general, the negotiating parties agreed that this document should serve as the basis for the first draft of a *Programme of Action*. The draft would be debated at the second PrepCom. Based on informal responses to this *Draft Structure*, the chairman of the PrepCom revised it until early November 2000 and gave it to a group of external and internal advisors²⁴⁸ with the task of drawing up the draft *Programme of Action*.

²⁴⁸ This ad hoc advisory group included experts from the United Nations, national governments as well as academia and think tanks. Edward Lurance of the Monterey Institute of International Studies (MIIS) also belonged to this expert group and was a key contributor to the drafting of the Programme of Action.

The second PrepCom meeting was held at UN Headquarters in New York from 8 to 19 January 2001. At this meeting, procedural issues were less evident, and proved far less controversial than during the first PrepCom. The participating countries mainly focused on actually starting the negotiations on a consensus text of the *Programme of Action*. The first draft of the *Programme of Action* (A/CONF.192/PC/L.4) was issued a month before the second PrepCom. This 18-page document attempted to integrate various proposals for a preambular section, measures at the national, regional, and global levels, and for an implementation and follow-up process. The central part of the draft formulated measures on the following issues:

- illicit manufacturing, acquisition, stockpiling, and transfers;
- measures to prevent diversion from legal manufacture, acquisition, and transfer;
- transparency, confidence building, and exchange of information
- stockpile management and safe storage;
- collection and destruction of illicit and surplus small arms;
- civilian possession; and
- post-conflict situations.²⁴⁹

The fact that the first draft was issued only a month prior to the second PrepCom meant that most delegations had very little time to study and consult it before the start of the session. Some delegations, including the United States, voiced strong objections to many of the elements it contained.²⁵⁰

While the first draft incorporated a wide range of views gathered from many sources over a two-year period, the second draft (A/CONF.192/PC/L.4/Rev.1) was much more concise and clearly reflected the discussion of the January meeting.²⁵¹ In effect, it removed much of the language from the first draft that was considered too controversial for the achievement of a

²⁴⁹ United Nations General Assembly, 2000, Working Paper by the Chairman of the Preparatory Committee, A/CONF.192/PC/L.4.

²⁵⁰ Many delegations also criticized its structure, arguing that, while it was extremely comprehensive, it was also repetitive and unduly complicated. Interviews with representatives from various countries present during the UN 2001 Small Arms Conference, New York, 17 July 2001. The interviewees asked not to be identified because of the sensitivity of the issue.

²⁵¹ United Nations General Assembly, 2001, Draft Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, Working Paper by the Chairman of the Preparatory Committee, A/CONF.192/PC/L.4/Rev.1, 12 February 2001. This draft version was issued on 12 February 2001, more than a month before the third PrepCom.

consensus. It also narrowed the *Programme of Action* to focus only on those critical issues that had been identified during the debates at the second PrepCom. Most countries were much more positive about the second draft, and many delegations stated that it provided a good basis for negotiating the final conference document.²⁵² By the end of the third session there was a fair amount of agreement on large sections of the second draft.²⁵³

6.3 Negotiating a consensus at the Conference

At the end of the third and final PrepCom session in March 2001 it was agreed that the PrepCom chairman, Ambassador Carlos dos Santos, would produce an informal paper containing his assessment of the discussions during the third PrepCom.²⁵⁴ Largely as a result of pressure from the non-aligned movement states, it was also agreed that the chairman would not produce a rolling text of the second draft of the *Programme of Action* and that L.4/Rev.1 would provide the basis for negotiations at the UN Small Arms Conference in July 2001. As a consequence, delegations arrived at the Conference in New York on 9 July with only L.4/Rev.1 plus a compilation of views – which were often contradictory and confusing – from the discussions at the second and third sessions of the PrepCom.

At the third PrepCom it was also agreed that the first week of the July Conference would be devoted to statements at the ministerial level. This is a standard practice for major international conferences and usually gives added weight to the proceedings. Additionally, this is also an indicator of the importance the conference has in the view of the states.

However, arguably reflecting a lack of commitment to the issue on the part of many countries, the ministerial level attendance at the Conference was rather poor. During the first week, the Conference heard statements from 143 speakers, including one vice-president, two deputy prime ministers, 38 foreign and other ministers, and 23 deputy ministers. Of those speakers, 131 represented their countries, four spoke for regional organizations, and 8 spoke for UN agencies and other international organizations.²⁵⁵

²⁵² Interviews with representatives from various countries present during the third PrepCom, New York, 19 March - 30 March 2001.

²⁵³ About 60% of the text covering 86 paragraphs has been agreed upon. This seemed to be a good progress, but as it turned out also already agreed paragraphs opened up for negotiations again during the July Conference.

²⁵⁴ On 4 June 2001 Ambassador dos Santos issued his informal paper outlining his assessment of the discussions at the third PrepCom. It also summarized the problems that remained unresolved.

²⁵⁵ Peter Batchelor, 2001, "The 2001 UN Conference on Small Arms: A First Step?" *Disarmament Diplomacy*, No. 60, September 2001. <<http://www.acronym.org.uk/dd/dd60/60op1.htm>>. (Last checked March 2003).

Despite the presence of few ministerial-level officials at the Conference, the ministerial session turned out to be much more than a pro-forma event. On the first day, the US representative, Under-Secretary of State for Arms Control and International Security, John Bolton, gave a harsh speech, which literally woke up the Conference.²⁵⁶ He called the draft *Programme of Action* defective and identified several aspects, which the United States could not, and would not, support.²⁵⁷ Most of the other ministerial-level statements were not nearly as critical or provocative as the one by the United States. Generally, they tended to highlight specific dimensions of the illicit trade in small arms related to their own country and region, while at the same time reaffirming their commitment to ensuring the success of the Conference.²⁵⁸ After the opening statements by the high-level representatives, actual negotiations on the final *Programme of Action* also began in the first week of the Conference.

The chairman of the Conference, Ambassador Camilo Reyes of Colombia, also used the first week to give states a final opportunity to comment on the draft *Programme of Action* (L.4/Rev.1). As it was clear that he would be required to write a new draft prior to the final phase of negotiations, he felt that he needed to hear the views directly from the countries. He also appointed various vice-presidents of the Conference to conduct consultations on problematic paragraphs in the hope of developing a more acceptable text for his final draft.

At the beginning of the second Conference week, on Monday 16 July, Ambassador Reyes distributed a revised version of the draft *Programme of Action*.²⁵⁹ Since very little new text had been suggested since the end of the third PrepCom, this draft mainly reflected the review by the countries' delegates conducted in the first week of the Conference. The draft contained some new paragraphs that had been agreed during the third PrepCom. But it left much of the language on the contentious issues the same as in the previous draft (i.e. L.4/Rev.1). Some countries, especially from the Arab League, however, were still uncomfortable with the language on humanitarian concerns and transparency included in the new draft.

²⁵⁶ John Bolton's speech is included in the Appendix and can also be downloaded on <<http://disarmament.un.org/cab/smallarms/statements/use.html>> (Last checked March 2003).

²⁵⁷ For a more in-depth analysis of the US small arms policy and Bolton's speech see Chapter 7 of this dissertation.

²⁵⁸ Most of the speeches held during the July Conference by the representatives are available on the UN website <<http://disarmament.un.org/cab/smallarms/statements.htm>>. (Last checked March 2003).

²⁵⁹ United Nations General Assembly, 2001, Draft Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, Working Paper by the President of the Conference, A/CONF.192/L.5, 16 July 2001.

At this point, Ambassador Reyes began a series of informal consultations on key controversial issues, such as the use of the following key-words ‘excessive and destabilizing accumulations,’ ‘civilian ownership,’ ‘supplying non-state actors,’ ‘transparency,’ ‘self-determination,’ ‘export controls,’ and ‘follow-up process.’ Based on his assessment of the debate, Ambassador Reyes invited the representatives of selected countries to meet with him separately on each issue. By Thursday 19 July, there were still a number of paragraphs where no agreement could be found.

On Friday 20 July, officially the last scheduled day for negotiations, the President of the Conference introduced a package of proposals in the form of six informal conference papers (CRP1-CRP6). They included new language on all the pending issues. One by one, as the end of the Conference approached, agreement was reached on all issues except ‘supplying non-state actors’ and ‘national regulation of civilian ownership.’ The United States insisted that these two issues have to be dropped if the other negotiating countries wanted to have the United States join a consensus on the *Programme of Action*.

Just before midnight, the negotiation clock was stopped to technically continue the bargaining on 20 July. And the negotiations dragged on the whole night until the early morning hours on Saturday 21 July. The discussions went back and forth and the negotiations in the plenary were stopped several times. At some points during the nocturnal negotiations, Ambassador Reyes saw no way to continue them because the discussions were too contentious and without prospect for an agreement. He asked the delegations to meet – mostly on a regional level – in order to continue the bartering in an informal setting.

During these breaks coalitions broke up and were rebuilt, issues were linked and de-linked again, side-payments were offered and threats voiced. The African bloc, in a display of unity typical of its overall behavior during the Conference, insisted that the two paragraphs on ‘supplying non-state actors’ and ‘national regulation of civilian ownership’ remain in the *Programme*. The European governments strongly supported them to stand firm against the request by the United States to drop these items. This stalemate held until around 6.00am on Saturday 21 July. But given the late – or rather early – hour, most delegations had conceded that these two paragraphs would have to be removed, if the parties interested in an agreement – however weak – really wanted to save a minimal *Programme* from collapsing.

The European countries realized that they could only save the rest of the *Programme* if they give in and advised – or even pushed – the African delegates to do the same. This U-turn included both a compromise and a package deal: Make concessions to save the whole

arrangement. Finally, the African states agreed to drop the two paragraphs, and the US delegation agreed to allow a follow-up conference (not capitalized!) to be held no later than 2006. This was also one of the original US red flags, but probably one that was erected strategically to trade in at the end. But the United States was not willing that additional resources would be allocated for the follow-up process. Furthermore, there should be no additional bureaucracy or infrastructure. The participants also agreed that the date and venue would be decided at the 58th session of the General Assembly in fall 2003. This was a classic compromise, setting a date and a mechanism for a review process and establishing a monitoring mechanism (biennial meetings), while giving the United States and other skeptics time to resist a review conference. It also tries to keep the process within the United Nations, giving those who might be unhappy with the rate of progress reason not to take the issue outside the UN framework.

Being quite disappointed about the compromise at the very last stage of the negotiations, Ambassador Reyes made a very strong final statement describing what had happened behind closed doors. He did so during the adoption of the final *Programme* later on Saturday and noted:

While congratulating all participants for their diligence in reaching a new consensus, I must, as President, also express my disappointment over the Conference's inability to agree, due to the concerns of one State [i.e. the United States], on language recognizing the need to establish and maintain controls over private ownership of these deadly weapons and the need for preventing sales of such arms to non-state groups.

The states of the region most afflicted by this global crisis, Africa, had agreed only with the greatest reluctance to the deletion of proposed language addressing these vital issues. [...] They did so strictly in the interests of reaching a compromise that would permit the world community as a whole to proceed together with some first steps at the global level to alleviate this common threat.²⁶⁰

²⁶⁰ Camilo Reyes, 2001, Statement by the President of the Conference after the Adoption of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All its Aspects, New York, 21 July 2001, Reproduced in UN document A/CONF.192/15 (Annex). <<http://disarmament.un.org/cab/smallarms/statements/president.html>>

In the afternoon of Saturday 21 July, the Conference adopted the orally amended draft *Programme of Action* (A/CONF.192/L.5/Rev.1) and its report to the General Assembly by consensus.²⁶¹

6.4 Assessing the UN Small Arms Conference

As we have seen in this chapter, the efforts to achieve consensus on the draft *Programme of Action* was in the end reduced to negotiations around two issues: civilian possession and transfers to non-state actors. In both cases the US delegation wanted these issues be dropped from the final document, while many other delegations strongly supported their inclusion. While it appeared that the United States was isolated on the two issues, many delegations²⁶² were in fact content to hide behind the US stance and to remain silent during the negotiations.

Contrary to some other countries with a large small arms production and exporting industry, the EU and its member states were much more aggressive in trying to achieve a more far-reaching *Programme of Action*. With regard to the role of the European Union and its collaboration with NGOs two points are worth mentioning: First, the European Union pursued a strong position at the UN Conference and advocated specific references to the need to develop and respect export criteria, to negotiate legally-binding instruments on arms brokering and on illicit weapons tracing, to encourage greater transparency in the export and import of small arms, and to work together with NGOs. This acknowledgement to collaborate with NGOs was also implemented by the financial and political support of various SALW initiatives and projects conducted by NGOs and the inclusion of NGO experts in some of the national delegation during the PrepComs and the Conference. The EU had to abandon its strong position in the conference end game, but its long insistence, nevertheless, reflected a definition of state interests that was quite different than that of the United States.

Second, individual EU states have pursued even more active policies to stem small arms proliferation. France has made noteworthy progress in promoting greater transparency concerning arms exports, especially by supporting the marking and tracing initiative together with Switzerland.²⁶³ Netherlands was a key promoter of destruction of surplus weapons and

²⁶¹ United Nations General Assembly, 2001, Draft Report of the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, A/CONF.192/L.6, 19 July 2001.

²⁶² Among other small arms producers, China and Russia were also – at least silently – against restrictions on civilian possession and transfers to non-state actors. Interviews with national representatives during the UN 2001 Small Arms Conference, New York, 20 July 2001. The interviewees asked not to be identified because they were not authorized to speak on the record.

²⁶³ See Chapter 8 for more details on the French-Swiss initiative on small arms marking and tracing.

assistance to exporting and affected states in East-Central Europe. Finally, the EU has initiated technical and financial assistance projects (such as in Albania or Cambodia) for weapons collection and destruction. In all of these cases, it can be demonstrated that state interests have changed. In the absence of the multilateral process, pressure and lobbying from NGOs as well as the attention it drew to the topic of small arms and light weapons, it is unlikely that these initiatives would have been pursued. Further, insofar as some EU states (notably United Kingdom and France) would be assumed by structural realists to have similar geopolitical interests as the United States, these differences in how state interests are defined challenge the structural realist accounts of interest formation that exclude domestic processes and the possible influence of NGOs or multilateral processes on them.

After nearly seven months of negotiations, culminating in the final two weeks in New York, the Conference was able to agree by consensus on a *Programme of Action*. This achievement by itself, given the state of the multilateral climate on small arms issues even a few years ago, means that the Conference can be considered a – qualified – success.

The Conference itself was important for at least three reasons. *First*, it generated an international debate on the small arms issue and forced states to go on record with their views on the causes and consequences of the problem, as well as on the action they supported.²⁶⁴ Those governments and NGOs preparing to take the issue forward now have a much better idea of which countries might be part of any coalition of ‘like-minded states’ that could provide leadership. *Second*, the Conference generated two weeks of high-level international media attention and as such raised awareness of the various dimensions of the small arms issue. *Third*, the Conference helped to build partnerships amongst civil society groups, and between NGOs and government delegations. These partnerships will be crucial for future efforts to address the different dimensions of the small arms issue.

The *Programme of Action* itself can be regarded as a positive outcome in so far as it defines *norms* and *principles* that will guide the work of the international community on the small arms issue. In particular, the *Programme* confirms that the problems caused by the proliferation and misuse of small arms are multi-faceted. They go much beyond arms control and disarmament issues. They include conflict prevention, development, crime control, public health as well as humanitarian dimensions. The *Programme* also establishes the general principle that durable solutions to armed conflicts must focus on the tools of violence as well

²⁶⁴ See the Small Arms Survey’s UN Conference database for details of country statements and positions: <<http://www.smallarmssurvey.org>>.

as root causes. Furthermore, it assigns primary responsibility for solving the problems of small arms to governments. They have committed themselves to wide-range improvements in the way they manage the production, acquisition, export, re-export, transfer, storage, collection, and destruction of small arms and light weapons. In this regard, the *Programme* highlights the importance of both regional and global measures. Finally, despite major efforts by some countries to restrict the scope of the *Programme of Action* just to illicit trade in small arms and light weapons, the document does not only include progress reports, biennial meetings and a review conference no later than 2006, but also a mandate for the mobilization of resources and expertise by countries to promote the implementation of the *Programme*. Most importantly, cooperation with civil society and international organizations was also specifically mentioned.

However, two important concepts have been tremendously watered down during the negotiation process: the excessive and destabilizing accumulation of SALW and national transparency.

Since the small arms issue has emerged on the UN agenda in 1995, the excessive and destabilizing accumulation of these weapons had been identified as one of its major manifestations. This implied that the negative consequences of small arms go beyond their 'illicit trade'. The phrase had therefore become a code for addressing the legal production, acquisition, and transfer of these weapons. In that sense, it was an invitation for controversy. Already during the third PrepCom, the Arab group in particular began to call for the elimination of all references to 'excessive and destabilizing accumulation' and tried to substitute the much narrower term 'illicit trade'. In one of the more innovative solutions to stalemate at the Conference, the phrase remained in the *Preamble*, but was removed from the *Measures* section of the *Programme*. The removal of the term from the *Measures* section meant that no (direct) reference was made to restraint in the legal acquisition or export of these weapons – a disappointment to the EU and others who felt that some sort of restraint provision was crucial to an effective solution.

Like the term 'excessive and destabilizing accumulation', the concept of transparency was critical to those states who wanted a strong and effective *Programme of Action*. In their view, legal production and transfer had to become transparent if the illicit trade was to be tackled. The EU and Canada pushed from the beginning to list government transparency as a basic principle of the *Programme of Action*. While such a principle was in the first draft, Arab League states, China and others, objected strenuously to it during the second PrepCom. The

President's draft of 16 July did not mention transparency as a norm or principle in the *Preamble*. However, it committed states – as a national measure – to provide relevant information on illicit trade. Yet, it did not extend this information to cover all small arms exports and imports as the EU has suggested. At the regional level, the final Programme included “measures to enhance transparency.” There were no transparency measures envisioned at the global level.

While the Conference and its *Programme of Action* can be deemed successful from certain perspectives, a number of factors temper this positive assessment. The most prominent is the fact that the *Programme* is legally non-binding. This leaves wide margins for countries to exercise discretion or interpretation through frequent use of such clauses as ‘where applicable,’ ‘as appropriate,’ ‘where needed’ or ‘on a voluntary basis.’ More importantly, several crucial issues identified by certain countries and NGOs prior and during the Conference have not been – or only very vaguely – included in the final *Programme of Action*:

- Increase transparency in the legal production, stockpiling, and trade in small arms;
- Agree upon specific criteria governing arms exports;
- Regulate the civilian possession of (military-style) weapons;
- Control transfers to non-state actors;
- Negotiate an international instrument on marking and tracing; and
- Negotiate an international legally binding instrument on arms brokering.

Many governments and NGOs were even more disappointed that critical elements needed for the solution of the small arms problems were not included in the *Programme*. Sally Joss, IANSA Co-ordinator, stated in the closing press conference on 21 July 2001:

When this whole process began we were aiming for a clear international plan of action. Instead this has been eroded to the lowest common denominator, and the framework that remains falls short of what is so urgently needed.²⁶⁵

While welcoming the consensus *Programme*, IANSA expressed disappointment that certain key elements – including commitments to negotiate international legal instruments on

²⁶⁵ IANSA, 2001, “Opportunity Squandered to Introduce Tougher Arms Controls.” Press Release, 21 July 2001 < <http://www.basicint.org/WT/smallarms/UN2001/pr-opportunity.htm> > (last checked February 2006).

marking and tracing, as well as brokering, linking export criteria to human rights violations and humanitarian law or promises of greater transparency – had been left out of the *Programme*. Human Rights Watch labeled the outcome a ‘*Programme of Inaction*’.²⁶⁶

The issue areas that are left many disappointed were those that had been identified as contentious from the beginning of the process in 1995. As the production, import, and export of these weapons are legal activities critical to their national defense, many governments resisted any attempt by the Conference to limit their sovereign rights in this area. Others insisted that a comprehensive response also required consideration of legal activities since legal arms were the source of most illicit activities.

While the *Programme of Action* is not legally binding, it does contain a concrete set of measures at nation, regional, and global levels. It was agreed by consensus by all participating countries.²⁶⁷ As a result, it represents the first global framework to guide the work of national governments, regional and international organizations as well as civil society in combating the illicit trade in small arms. It has served to raise the level of commitment of governments to address the illicit trade in small arms. It also provides the justification for all actors, including NGOs, to monitor, report on, encourage, and apply political pressure to those countries that are not meeting their commitments.

The holding of such a high-level, large-scale Conference may also pave the way for more innovative and effective approaches to international disarmament issues in the future. The *Programme of Action* could provide the basis for at least three ways forward:

First, the process could remain under the auspices of the UN First Committee, and thus be dominated by an arms control and disarmament perspective. Given the well demonstrated need to broaden the scope and agenda beyond arms control perspectives this would represent a minimalist approach.

Second, continued disappointment with omissions in or the implementation of the *Programme of Action* by countries may produce a version of the Ottawa Process outside UN auspices. This approach would focus more on the humanitarian and economic costs associated with the

²⁶⁶ Human Rights Watch, 2001, “UN: ‘Program of Inaction’ of Small Arms,” *Human Rights News* New York, 19 July 2001 <<http://www.hrw.org/press/2001/07/smallarms0719.htm>> (last checked February 2006).

²⁶⁷ As we have seen in this chapter this has positive and negative consequences: On the one hand, basically every country agreed to and felt committed by the *Programme of Action*. On the other hand, to reach this consensus a rather weak lowest common denominator has resulted. This agreement has been watered down by countries, particularly the United States, who have threatened to walk away from the negotiations if their concerns were not fully taken into account.

use of small arms. Main actors would be a core group of like-minded middle-powers in cooperation with concerned NGOs.

Third, the United Nations could change the way it tackles the problem by recognizing that the small arms issue is multi-dimensional. Following this approach, the United Nations would create a mechanism that allows the consideration of the economic, social, and humanitarian effects of the accumulation, proliferation, and misuse of small arms. This would also include the effective participation of a wide range of stakeholders – both governmental and non-governmental.

At least until the scheduled review conference in 2006 it seems that the more minimalist approach will prevail. However, it will certainly depend on the outcome of this conference whether a coalition of middle-powers and NGOs will break new ground and start an alternative negotiation process with like-minded states and other stakeholders. This possible alternative creates incentives for the United Nations itself to keep the current process on track, to deliver specific results at least until the review conference and even to enlarge the participation possibilities by NGOs and to broaden the agenda. Yet, exactly by broadening the agenda, further progress might be even more difficult to reach as IANSA's internal coordination and prioritization problems have shown.

7 CASE STUDY I: UNITED STATES

*The United States believes that the responsible use of firearms is a legitimate aspect of national life. Like many countries, the United States has a cultural tradition of hunting and sport shooting. We, therefore, do not begin with the presumption that all small arms and light weapons are the same or that they are all problematic. It is the illicit trade in military small arms and light weapons that we are gathered here to address and that should properly concern us.*²⁶⁸

—John R. Bolton, Under Secretary of State for Arms Control and International Security Affairs,
Statement at Ministerial Session of the
UN Small Arms Conference, July 9, 2001.

7.1 Domestic setting: a nation of hunters and soldiers?

The United States is the most prominent civilian market. In 1999 alone, Civilians purchased more than 95% of the four million firearms manufactured in the country. Combined with imports – mostly from Brazil and China – of about one million, this means that the US civilian firearm stockpile grew by roughly five million in 1999. Production for civilian purchase in other countries added another two million. Thus, new production increased the global civilian stockpile by almost seven million in 1999, a level that appears to have been sustained since then.²⁶⁹

²⁶⁸ Statement by John R. Bolton, Under Secretary of State for Arms Control and International Security Affairs, Ministerial Session of the UN Small Arms Conference, July 9, 2001. <<http://disarmament.un.org/cab/smallarms/statements/usE.html>> (last checked December 2004).

²⁶⁹ Small Arms Survey (ed.), 2002, *Small Arms Survey 2002: Counting the Human Cost*, Oxford/New York: Oxford University Press, 79.

The United States does not only constitute by far the largest civilian weapons market in the world, it is also a massive military market. Its armed forces are the world's best financed with a budget of US\$ 328 billion for fiscal year 2002.²⁷⁰ This is equal to the total defense spending of the next nine largest military powers together.²⁷¹ With a total of more than 2.5 million men and women in uniform – active duty and reserve – it also has the fourth largest armed forces in terms of personnel.²⁷² US military procurement considerably influences global patterns, especially by setting strategic and tactical precedents that influence military and political decisions elsewhere. The significant decline in US military small arms inventories since the end of the Cold War has had broad implications in this respect.

During the Cold War, the US military maintained large reserves of small arms for its armed forces as well as for its allies. Assuming that it might have to fight two major wars simultaneously – in Europe and East Asia – as well as be called upon to support allies in the Middle East and possibly elsewhere too, the US military establishment had a policy of procuring additional weaponry when feasible and preserving older equipment when possible. This stockpile, or floating reserve, was a key element of a national doctrine that stressed the ability to mobilize to fight lengthy conflicts.

In the past, the Pentagon deliberately kept enough equipment to maintain a small arms inventory equivalent to roughly 2.3 small arms for each personnel in uniform. This was the practice from World War II to the 1980s. Since the end of the Cold War, however, long-term mobilization, involving the training of hundreds of thousands of additional troops, was no longer relevant. Long-term requirement for a large floating reserve of small arms disappeared with the doctrinal change in the mid-90s.

With the end of the Cold War, the US military doctrine changed to emphasize rapid responses to smaller contingencies. There were the interventions in Bosnia in 1995, Kosovo in 1999, Afghanistan in 2001 and Iraq in 2003 that established the precedents for future war fighting.²⁷³ Instead of lengthy warning following protracted mobilization as in the major wars

²⁷⁰ See Jason Sherman and Amy Svitak., 2001, "DoD supports proposed US\$ 32.3 billion boost," *Defense News* 5 November 2001, 6.

²⁷¹ This trend has in the meantime even accelerated. Among other things due to the military engagements in Afghanistan and Iraq, the US defense budget in 2005 equals those of all the other countries together. For figures from fiscal year 2002 see SIPRI Research Project, 2002, The fifteen major spenders in 2001, 1998-2001. <http://projects.sipri.se/milex/mex_major_spenders.html>. (Last checked March 2003).

²⁷² Only China, Russia, and Vietnam have a larger army by manpower.

²⁷³ There is a difference between the relative short intervention period due to the technical superiority of the US military and its allies and the sometimes protracted stabilization and reconstruction period.

of the twentieth century, today's wars are fought by 'come-as-you-are' forces, i.e. forces that are flexible enough to accommodate to quickly changing environment.

Table 7.1: Small arms inventory of the US Army, April 2001

Type	Deployed	Non-deployed	Total
<i>Machine guns</i>			
M2 flexible	19,999	3,785	23,784
M2 fixed	3,107	634	3,741
M60	21,552	2,560	24,112
M85	66	249	315
M249	68,640	1,737	70,377
M240	9,746	2,450	12,196
M240B	5,358	806	6,164
M240C	4,359	1,059	5,418
<i>Grenade launchers</i>			
M79	350	283	633
M203/M203A1	57,829	782	58,611
MK19	20,369	1,567	21,936
<i>Current rifles & carbines</i>			
M16A1	144,275	74,418	218,693
M16A2	640,520	1,443	641,963
M16A4	4,787	11,290	16,077
M4 carbine	77,671	787	78,458
M4A1	16,494	3	16,497
M231	6,745	9,636	16,318
<i>Obsolescent rifles & carbines</i>			
M1	458	3,716	4,174
M14	12,597	104,657	117,254
.22 cal. Rifle	5,862	8,012	13,874
.30 cal. Rifle	77	952	1,029
<i>Sniper rifles</i>			
M21	447	0	447
M24	2,153	110	2,263
<i>Pistols</i>			
M9	158,711	21,621	180,332
M11	2,789	38	2,827
.22 cal. Pistol	1,830	14,196	16,026
.38 cal. Pistol	541	69	610
45 cal.	4,591	28,179	32,770
<i>Other categories</i>			
Shotguns	5,581	1,610	7,191
M3 sub-machine gun	135	12,502	12,637
Pyrotechnic pistol	501	481	982
Total	1,298,140	309,632	1,607,772

Source: SAS 2002: 84.

The implications of this strategic transformation for small arms inventories are clearest in the US Army. With a total of over 1.6 million firearms of all types as of April 2001, it has the

largest small arms arsenals of the US armed services. These range from virtual-museum artefacts like .45 caliber pistols to state-of-the-art Objective Individual Combat Weapons.

The US stockpile is enough to equip a combined active and reserve force of 1.2 million personnel. It gives the US Army the equivalent of only 1.3 firearms per soldier. This is just enough to fully equip its combat forces with a small central reserve to cover breakage and other losses. Most of the reserve holdings listed in Table 7.1 consists, on the one hand, of newly arrived equipment that has not been passed on to its designated units – such as M9 pistols and M16A4 rifles. On the other hand, it includes obsolescent equipment the US Army has not disposed of yet – such as M14 and M16A1 rifles or .45 caliber pistols.

The low ratio of troops to small arms is the result of strategic choice. Since the new military doctrine does not integrate plans to fighting extended wars, the chance of soldiers of losing weapons in combat is lower. Most of the small arms reserve is more important today to replace weapons being overhauled rather than weapons that might be lost in the battle. The evolution of force structure is also an important consideration shaping the small arms arsenal. With an ever-greater proportion of personnel allocated behind the lines to logistic and support duties, fewer troops need firearms. Although the number is not readily calculated, a surprisingly large proportion of US soldiers never carries a gun after basic training (SAS 2002: 85). For the other services, the tooth-to-tail ratios – the number of combatants per support personnel – are even lower and the proportion carrying firearms is still lower (see 7.2).

Table 7.2: Total US military firearms, by service, 2001

Air Force	260,000 *
Army	1,608,000
Coast Guard	20,268
Navy (including Marines)	800,000 *
Total	2,688,000
Total firearms per uniformed member	1.05

* Estimated

Source: SAS 2002: 85.

With these changes, the US Army dramatically reduced its small arms inventories in the 1990s. Initially, it ‘demilitarized’ large quantities of small arms through contracts for physical destruction. Among the largest were contracts that led to the destruction of 479,367 M14 rifles in 1993-94 and roughly 350,000 M16A1 rifles in 1996.

These destruction events prompted the National Rifle Association (NRA) to lobby members of the Congress. The Congressional gun advocates reacted to this intervention and requested that excess weapons are made available to the public. However, since the sale of new automatic rifles to the US public is prohibited under a presidential order from 1994, they could not be sold on the US civilian market. Instead, the Congress passed legislation amending the annual Defense Authorization Act in 1996 to prohibit the Army from destroying further ‘collectable’ weapons. The amendment has been passed every year since then, but gun lobbyists still wait until these firearms will be made available for public sale (SAS 2002: 85).

With destruction increasingly controversial, the US Army changed course. In 1995, it began to transfer many of its surplus small arms to foreign governments. Between 1995 and early 1998, the export of 321,905 discharged Army firearms was arranged through aid packages to foreign militaries under the Excess Defense Articles programs. The leading recipients were the three Baltic States and Israel, all of which received the equipment free of charge. The Philippines and Taiwan had to pay varying amounts for the weapons.²⁷⁴ Most of this equipment has been exported by the end of 1999. This approach had the advantage of strengthening vulnerable friends and allies while getting the guns out of the Army’s own inventories and making someone else responsible for them. The integrity of the weapons should not be a problem since foreign governments are not allowed to re-transfer US-supplied defense equipment without permission from the United States.²⁷⁵

Table 7.3 US Army small arms acquisitions in fiscal year 2000

M2 heavy machines guns	952
M4 carbines	9,428
M11 pistols	311
M16A4 rifles	14,895
MK19 grenade launchers	1,517
M240B medium machine guns	4,623
M249 light machine guns	5,498
Total	37,224

Source: SAS 2002: 86.

Today, the US Army has its firearms inventory very close to what it believes is ideal. It still buys additional small arms for modernization, but the total inventory is changing more slowly. In the fiscal year 2000, it acquired a total of 37,224 small arms (see Table 7.3), equal

²⁷⁴ Lora Lumpe, 1999, “The Legal Side of Dirty Business,” *Washington Post* 24 January 1999.

²⁷⁵ On the US re-export policy of SALW during the Conference see also Chapter 7.5 of this dissertation.

to some two percent of its holdings. It still sells some weapons to the general public. M1 semi-automatic rifles of World War II vintage are released for sale to the public through the Civilian Marksmanship Program, a program very popular with collectors.

7.2 US arms industry: still a growing business?

The United States, together with China and Russia, is one of the world's major producers of small arms. During the period from 1993 to 2000, the United States was ranked as the world's major supplier of conventional arms to developing countries with sales of US\$ 61.5 billion, an average of US\$ 7.6 billion a year (Grimmett, 2001). Without exception, there is more official and unofficial information about the production of small arms in the United States than for any other country. Over 300 companies, all privately-owned, serve both the commercial, i.e. civilian, and military small arms markets. In the same year, there were 113 ammunition companies in the United States, of which only 19 had more than 20 employees.²⁷⁶ Three states alone – Connecticut, Massachusetts, and New York – were the largest domestic producers (by output) of small arms. They produced 77% of the total volume of domestic small arms production between 1975 and 1997.²⁷⁷

The small arms manufacturing industry is not a particularly significant sector of the US economy – but its political leverage is huge. Total employment amounted to 16,770 people in 1997, comprising 9,907 in small arms production, and 6,863 in ammunition production. The total value of production was US\$ 2.059 billion – US\$ 1.2 billion for small arms and US\$ 859 million for ammunition, respectively.²⁷⁸ Thus, the small arms business is worth about US\$ 2 billion to the US economy in 1997, when the GDP was US\$ 7.7 trillion.²⁷⁹ Figures provided by the 'gun-lobby' are obviously higher to underline the significance of this industry to the whole US economy. According to a recent study, the domestic small arms industry in the United States is "like a pyramid in terms of companies, and an upside-down pyramid in terms

²⁷⁶ US Census Bureau. 1997. *Small Arms Manufacturing: Economic Census 1997*. Washington, DC: Department of Commerce; US Census Bureau. 1997. *Small Arms Ammunition Manufacturing: Economic Census 1997*. Washington, DC: Department of Commerce.

²⁷⁷ Violence Policy Center. 2000. *Firearms Production in America, 1975-1997*. Washington, DC: Violence Policy Center. <<http://www.vpc.org>>. (Last checked March 2003).

²⁷⁸ US Census Bureau. 1997. *Small Arms Manufacturing: Economic Census 1997*. Washington, DC: Department of Commerce; US Census Bureau. 1997. *Small Arms Ammunition Manufacturing: Economic Census 1997*. Washington, DC: Department of Commerce.

²⁷⁹ This figure does not include light weapons production, most of which is for military use. It does also exclude the economic value of associated business such as sport shooting and hunting equipment. By comparison, the tobacco industry in 1997 contributed US\$ 28.3 billion to the US GDP, while the alcohol industry contributed US\$ 27.7 billion (US BATF. 2000. *Commerce in Firearms in the United States*. Washington, DC: Department of Treasury).

of volume. ... A few giant companies make most of the guns ... [and an] assortment of many other small manufacturers make the rest, some as few as one gun a year.”²⁸⁰

Despite the small increase in 1999, total domestic production of firearms is still way down from the peak in 1993-4, when total production was over five million units a year. More recent unofficial information suggests that the firearm industry, particularly the handgun business, may be a “dying industry.”²⁸¹ Production levels are at a 30-year low. Imports of handguns into the United States are also lower than in recent years. The industry’s decline is variously attributed to market saturation, stiffer rules for buyers (Handgun Violence Prevention Act of 1993), a massive decline in the number of licensed gun dealers (104,000 in 2002, down from 284,000 in 1992), lower levels of crime, and declining public acceptance of owning handguns (Associated Press, 16 April 2001). The number of handguns produced for the US military has also declined dramatically in recent years. Purchases between 1993 and 2000 were 80% lower than in the previous eight-year period. The drop in purchases by the US military is attributed to “smaller armed forces and greatly diminished threat in the post-Cold War era.”²⁸²

Table 7.4: Top US small arms companies, selected financial indicators, 1998-2000

Company	Total sales* 1998 (US\$ m)	Total sales* 2000 (US\$ m)	Employment ** 2000
Sturm, Ruger & Co	211.6	202.7	1’778
Smith & Wesson	140	133	670
OF Mossberg	20	75	585
Colt’s Manufacturing	70	72	600
Saco Defense	65	31	240
Marlin Firearms	50	52.4	440
FN Manufacturing	(est.) 47	(est.) 45.9	390
Crossman Corp	45	29	310
Savage Arms	26	25	200
Beretta USA	n/a	30	200
Remington Arms	n/a	n/a	2’200
Total	674.6	696	7’613

Notes: * Includes sales of small arms and other products.

** Includes employment of those directly involved in small arms production

n/a not available

Sources: Ezell (2001); Gale Research Inc (2001); Reed (2001); Standard & Poor’s Cooperation (2001); SAS 2002: 28.

²⁸⁰ Tom Diaz. 1999. *Making a Killing: The Business of Guns in America*. New York: The New Press, 23.

²⁸¹ Cameron Hopkins, 2001, quoted in *Virginian Pilot*, 14 August 2001.

²⁸² Greg Fetter, 2001, quoted in Associated Press, 16 April 2001.

Against this background of a declining US handgun market, Smith & Wesson, one of the most famous small arms producers for nearly 150 years, was sold for US\$ 15 million to Saf-T-Hammer. Saf-T-Hammer itself has been bought by the British company Tomkins for US\$ 112 million in 1987 (Los Angeles Times, 15 May 2001). Total production at Smith & Wesson in 1999 was 334,491, down from 680,717 in 1995. The company, together with other manufacturers, has since 1998 been faced with lawsuits from a range of cities and government bodies concerning negligence. The lawsuits sought reimbursement from gun makers for the high costs of policing violence and treating gunshot victims. Rather than fighting in court, Smith & Wesson negotiated a government settlement, agreeing to include locks on all its guns and to introduce a range of other safety features and changes for selling out (Associated Press, 16 April 2001). As a result of this decision, the company's sales have suffered in recent years because of boycotts from dealers and customers (Ezell 2001).

*Table 7.5 Top US producers of firearms, ranked by weapons type**

Type	Company	Production 1998	Production 1999	Change in %	Exports / total production (%) 1999
Pistols	Sturm, Ruger & Co	161,058	213,876	32.8	3,519 (1.6%)
Revolvers	Smith & Wesson	139,583	152,724	9.4	37,857 (24.7%)
Rifles	Sturm, Ruger & Co	332,538	426,226	28.2	453 (0.1%)
Shotguns	Remington Arms Co	336,527	364,354	8.3	11,121 (3%)
Total **		3,725,191	4,085,514	9.7	245,528 (6%)

Notes: * Ranked according to 1999 production

** Total production of all types of firearms, by all US producers

Sources: United States, BATF (1998; 1999); SAS (2002: 28).

Sales by individual companies have mostly either remained unchanged or declined over the last few years. Production and total sales by the top companies declined between 1997 and 2000. Only one major US company – O.S. Mossberg, which manufactures mainly shotguns and rifles for both civilian and law-enforcement markets – has significantly increased its sales, from US\$ 20 million in 1998 to US\$ 75 million in 2000. This was largely a result of good business planning and increasing demand for long guns, particularly shotguns.²⁸³

In terms of value of sales, employment, and total production, Sturm, Ruger & Co. is the most important firearm producer in the United States. It dominates domestic production of pistols and rifles for the commercial market. Sturm, Ruger & Co. is the only US-based producer that offers products in all four categories of pistols, revolvers, rifles, and shotguns. Rifles account

for nearly 40% of the company's total sales. It is also an important supplier of military-style small arms.

The most important US producers of military-style small arms, however, are Colt's Manufacturing (M4 carbine, M16 rifle), FN Manufacturing, a subsidiary of FN Herstal of Belgium (M16 rifle, M249 squad automatic weapons, and M240B medium machine gun), Saco Defense, as subsidiary of General Dynamics (M2HB machine gun, MK19-3 grenade machine gun), and Beretta USA, a subsidiary of Beretta Italy. Both FN Manufacturing and Saco Defense are completely dependent on government sales. Because of its civilian business, Colt's Manufacturing is less dependent on a single market segment (Ezell 2001).

Two companies – Alliant Techsystems and Primex Technologies – dominate the production of military caliber ammunition for the US military. Alliant Techsystems had total sales of over US\$ 1 billion in 2000, and employed 6,500 people. Its conventional munitions group, which manufactures ammunition from small arms to tank ammunition, had sales of US\$ 421 million in 2000. This account for nearly 40% of the company's total sales. All the company's small arms ammunition is manufactured at the Alliant Lake City Small Calibre Ammunition Company.²⁸⁴ In 2000, Alliant was awarded a ten-year contract, worth US\$ 100 million annually, to supply small arms ammunition for the US army (International Forecast, 2002). Primex Technologies, which was acquired by General Dynamics in early 2001, had total sales of US\$ 530 million in 2000, and employed 2,850 people.²⁸⁵

7.3 The US small arms policy before the Conference

The US stance on small arms issues is in large parts based on the Conventional Arms Transfer Policy from February 1995. Even though issued by President Clinton, the policy paper has not been revised President Bush's first years and was applicable during the UN 2001 Small Arms Conference. According to that policy, the United States is undertaking and supporting a wide range of national, international, and regional efforts to address many aspects of small arms proliferation and control.²⁸⁶

²⁸³ Virginia Ezell, 2001, *Small Arms Producers in the USA*, Background Paper, Geneva: Small Arms Survey.

²⁸⁴ The company was ranked by SIPRI as the world's 39th largest defense company in the OECD and developing countries in 1999 (SIPRI 2001: 309).

²⁸⁵ Less than ten percent of the total sales of Primex are small arms. The company was ranked by SIPRI as the world's 69th largest defense company in the OECD and developing countries in 1999 (SIPRI 2001: 309).

²⁸⁶ See fact sheet by the State Department. Arms Control and Disarmament Agency, 1998, *Small Arms Issues: US Policy and Views*, Fact Sheet, Washington, DC: State Department, 11 August 1998. <<http://www.state.gov/www/global/arms/factsheets/conwpm/small.html>>. (Last checked March 2003).

US arms transfer policy is designed to support transfers that meet legitimate defense requirements. It also supports US national security and foreign policy interests. On the other hand, the policy is designed to restrain arms transfers that may be destabilizing or threatening regional peace and security. Among the goals of the US policy are to promote regional stability, peaceful resolution of conflict, arms control, human rights, and democratization. Major elements of the policy include promotion of national and multilateral responsibility, restraint, and transparency in the transfer of arms.²⁸⁷

Where such action is necessitated by overriding national interests, the United States applies unilateral restraint. In a positive interpretation this restraint can be read as more restriction for the sake of stability or in a negative interpretation this would mean that the United States exports weapons – also to non-state actors – when it deems necessary to pursue its national interests. On the other hand, the United States actively assists other countries in developing effective export control mechanisms to support responsible export policies, as has been the case in several Latin American and African countries.

Decisions on arms transfers are made on a case-by-case basis. They are guided by the foregoing goals and a set of comprehensive criteria. These criteria include consistency with international agreements and arms control initiatives – as well as with US regional stability interests. Other policy criteria include weighing the risk of adverse economic, political, or social impact within the recipient nation, as well as the human rights, terrorism, and proliferation records of the country in question. However, the US record seems rather doubtful considering the massive arms exports both to countries which have rather weak human rights records (Arab allies, Central Asia) and deliveries to non-state actors that turned their weapons towards their own provider (Afghan Mujahedeen, al Queda).

One recent and significant change in US law and regulations governing arms exports is the introduction of a law on arms brokering.²⁸⁸ It requires brokers to register with the Department of State if they want to sell abroad any defense articles or defense services subject to export controls. Any US citizens, wherever located, as well as any foreigners located in the United States fall under this law when they engage in the business of brokering activities. Specified brokering activities now require prior written approval of the Department of State. Other

²⁸⁷ See on transparency later in this chapter.

²⁸⁸ Loretta Bondi and Elise Keppler, 2001, *Casting the Net? Implications of the US Law on Arms Brokering*, Washington, DC: Fund for Peace.

brokers require prior notification with the authorities. So far, there has not been a real test in a court that has set a precedent.²⁸⁹

To further the objectives of controlling the illicit small arms trade, the US Secretaries of State, Commerce and Treasury have been directed to implement the Model Regulations. In the final month of the Clinton presidency, the International Traffic in Arms Regulations (ITAR) have been amended in order to carry out this directive. In addition to amending the ITAR, the US Office of Defense Trade Controls has modified its firearms licensing practices. Since June 1998, all requests for approval for authorization to export firearms and/or ammunition to an OAS member country must have an import authorization that includes a series of information.²⁹⁰ Requests that do not include an authorization with this information will immediately be returned without action.

The United States claims to strictly enforce its export control laws. For instance, Operation Exodus, a Customs Service program in existence since 1981, has made almost 14,000 seizures totaling more than \$1 billion in illicit exports. In 1996, Operation Overrun, a task force of Customs inspectors aimed at seizing illegal shipments of military surplus and scrap material, seized more than \$10 million in illicitly arranged exports.

On a global level, President Clinton acknowledged in his keynote address to the 50th United Nations General Assembly session in October 1995 the need to focus more on the problem of small arms and on related problems of drug trafficking, smuggling, and increase in terrorism. The US approach to small arms proliferation has been to address in a balanced way, both demand-side issues, or underlying causes, and supply-side issues, such as illicit trafficking. In an effort to stem illicit flows as well as better regulate legal flows, the United States uses the full range of its policy tools. US demand-side efforts include initiatives by the US Agency for International Development (USAID) to promote the establishment of democratic institutions and practices, continued emphasis on respect for human rights, adoption of an integrated response to complex transnational crises, implementation of a number of practical post-conflict disarmament and development measures, and support for establishing and enhancing regulatory and law enforcement capacities in threatened and war-torn societies.

²⁸⁹ Kathi Austin, 2001, *Arms Trafficking: Closing the Net: A Test Case for Prosecution under the US Law on Arms Brokering*, Washington, DC: Fund for Peace.

²⁹⁰ Requested information includes a number unique to the country of issuance; name of issuing country; date of issuance; identification of authorizing party; identification of importer, quantity, value, type, manufacturer, model and country of manufacture; and expiration date.

On the supply side, the United States seeks to globalize ‘best practices,’ including encouraging global adoption of model regulations on commercial arms transfers. However, the United States is not in favor of legally binding international instruments. But it supports imposition of controls on arms brokering and re-export transactions. It also provides assistance for stockpile security and weapons destruction. Finally, it promotes the early conclusion of an international agreement to restrict the proliferation of man-portable air defense systems – especially to non-state actors. As a supplier nation, the United States has an important responsibility to live up to its own standards of transparency and export controls as well as regulation of brokering activities.

At the special September 1999 UN Security Council Ministerial Meeting on Africa, the United States initiated a number of concrete measures, including:

- meetings of governments as well as international and non-governmental organizations to exchange information on regional arms transfers;
- commitments to full and timely disclosure of all arms shipments being transferred into zones of conflict in Africa;
- international support for voluntary moratoria on arms sales (such as the ECOWAS moratorium);
- increased aid for capacity-building in Africa to monitor and interdict arms flows and strengthen sanctions enforcement;
- adoption of national legislation to criminalize violations of mandatory arms embargoes and other sanctions regimes; and
- support for effective implementation of the Firearms Protocol and a multilateral agreement restricting the export of man-portable defense systems.

These initiatives complemented a number of existing US initiatives directed at ending violence in Africa. For instance, in 1994, the US government enacted the African Conflict Resolution Act, which requires US agencies to report to Congress annually on their efforts to improve conflict resolution capabilities in Africa. At the March 1999 US-Africa Ministerial called ‘Partnership for the 21st Century,’ the United States reaffirmed support for the Africa Crisis Response initiative. Since 1993, the United States has contributed US\$ 8 million to support this initiative. The United States also continues its efforts to extend political, technical, and material support to the efforts of Mali and its neighbors to implement the moratorium on the import, export, and manufacture of light weapons in West Africa (ECOWAS moratorium).

The United States also participated in a wide range of international meetings, conferences and workshops. It was also part of the UN Group of Governmental Experts on Small Arms, whose 1997 and 1999 reports made a number of recommendations – also related to the scheduled UN conference on small arms. Even though the United States has endorsed them, it also helped to water down their content to some extent.

The United States participates in the Wassenaar Arrangement²⁹¹, the Group of Six on Arms, the G-8 Lyon Group Firearms Subgroup, and the Southern Africa Development Community (SADC) Forum. In the SADC Forum, the United States has issued a Joint US-SADC Declaration on small arms and light weapons and established a Joint Working Group to deal with small arms and light weapons issues.

Towards transparency: National export reporting

Countering the conventional wisdom that transparency is bad for business – and proving that transparency does not necessarily equate with restraint – the United States has issued a highly detailed and disaggregated annual report since 1997. The phonebook-thick document includes a breakdown of weapons each country imported from the United States through the government-negotiated Foreign Military Sales (FMS) program, as well as a highly specific listing of the quantity and dollar value of weapons that the State Department Directorate of Defense Trade Controls²⁹² authorized manufacturers to export directly.

The report is known as the ‘Section 655’ report for the portion of the Foreign Assistance Act which requires that both the State and Defense Departments prepare it. The State Department section reports export licenses granted through commercial sales, with a breakdown by country of weapon type, quantity, and value. The Department of Defense section lists actual exports of arms transfers negotiated by the Department of Defense, again broken down by country, weapon type, quantity, and value. This section also includes similarly specific data on transfers of surplus weapons donated through the Excess Defense Article Program.²⁹³

²⁹¹ For more information on the Wassenaar Arrangement see <<http://www.wassenaar.org/participants/index.html>> (Last checked June 2003).

²⁹² Information on the State Department Directorate of Defense Trade Controls can be found on the web <<http://pmdtc.org/>>. (Last checked March 2003).

²⁹³ Additional reports such as Report Pursuant to Sec. 40A and Sec. 38 of The Arms Export Control Act (AECA) (also known as End-Use report): http://pmdtc.org/docs/End_Use_FY2001.pdf; Notifications to the 107th Congress; Pursuant to the Arms Export Control Act (Sections 36(c) and (d)) (Congressional Notification list) (<http://pmdtc.org/CONGNOTIFY.HTM>) (Last check March 2003).

The report covering US fiscal year 2001 (1 October 2000 – 30 September 2001) was released in fall 2002. Previously, these reports were very difficult to obtain. However, due to a decision by the US Congress in 1999, these reports are now available on the Internet.²⁹⁴

The reports are broken down in four discrete categories:

- a country-by-country listing indicating the quantity and value of licenses granted by the State Department through its direct commercial sales program, sorted according to specific weapon types and models;
- a country-by-country listing indicating the quantity and value of weapons deliveries negotiated by the Defense Department, sorted according to specific weapon types and models;
- a country-by-country listing indicating the quantity and original value of surplus weapons that the US military is giving away through the Excess Defense Articles program; and
- a listing of weapons imported into the United States in the preceding year.

Prior to the publication of the ‘Section 655’ report, it was only possible to obtain aggregate dollar totals for arms sales or donations to foreign countries. Identifying specific weapons systems that had been shipped or cleared for export was time consuming at best, and usually not possible. For the first time, the report for 1999 lists out in detail some US\$ 470 million of small arms and ammunition that the State Department authorized manufacturers to export to foreign countries.

The total amount of weapons and military articles licensed for export by the State Department in 1999 (2001) was US\$ 18.5 billion (17 billion), and the total licenses for manufacturing and technical assistance agreements was US\$ 28.4 billion (35 billion). This amount comes on top of the US\$ 11.9 billion (13.3 billion) in weapons deliveries that the Pentagon made through its Foreign Military Sales program.²⁹⁵

The State Department only reports on licenses for exports, rather than contracts or weapons deliveries (unlike the Pentagon, which reports actual deliveries). These licenses are good for four years, meaning that the exact weapons systems or defense services listed in the report are not necessarily exported or provided in the respective year.

²⁹⁴ More information on US arms control export policy and regulations, including embargoed destinations, a listing of US exporters who have been debarred due to export law violations and registration form to license as an exporter can be obtained at <<http://www.pmdtc.org/reference.htm>> (Last check March 2003).

²⁹⁵ Foreign Military Sales, Foreign Military Construction Sales and Military Assistance Facts as of 30 September 2001, published by the Deputy for Financial Management Comptroller <http://www.dsca.osd.mil/programs/Comptroller/2001_FACTS/default.htm> (Last checked March 2003).

Licenses allow companies to proceed with a sale, but many deals fall through or are executed for a lower amount. There is also an element of double counting between the defense articles and the manufacturing licensing agreements, as many licensing agreements include spare parts or other articles for which the exporting company needs to seek an additional, sometimes overlapping license. The actual amount of arms and services is estimated by the State Department to be half of what is licensed in a given year. However, it is not possible to know the exact quantity.²⁹⁶

A law passed by the Congress in 2000 requires that the future iterations of the ‘Section 655’ report also includes information on the actual deliveries of articles and services approved under the State Department’s direct sales program. However, this law has not been fully implemented in the last report issued for FY 2001.

The State Department report also shows a high rate of licenses for the export of small arms and light weapons, despite the Department’s commitment²⁹⁷ to reducing illicit trafficking of this type of weapons. For example, small arms, ammunition, and related material were licensed for export to all but two countries in Latin America and the Caribbean (Cuba and Suriname), a region where high crime rates, drug trafficking, and political instability would seem to call for particular restraint. How can it be explained that the United States has on the one hand well-established legal and transparency mechanisms, but on the other hand is reluctant to engage in international agreements?

7.4 Red flags and No-goes: the US position during the Conference

The United States was a major player throughout the Conference process. At the Conference itself, however, its primary role was quite obstructionist. This was clearly demonstrated during the opening day of the Conference on 9 July. On the first day, the head of the US delegation, Under-Secretary of State for Arms Control and International Security, John Bolton, gave a fervent speech.²⁹⁸ After a few words praising the goals of the Conference, Bolton made it clear that the United States would not support a *Programme of Action* which he characterized as defective.

²⁹⁶ Maria Haug, et al., 2002, *Shining a Light on Small Arms Exports: The Record of State Transparency*, Occasional Paper No. 4, Small Arms Survey, 84

²⁹⁷ See on US small arms policy Bureau of Political-Military Affairs, 2001, *Background Paper: Can Small Arms and Light Weapons Be Controlled?* Fact Sheet, Washington, DC: State Department, 2 June 2001. <<http://www.state.gov/t/pm/rls/fs/2001/3768.htm>> (Last checked March 2003).

Specifically he stated that the United States would not support:

- prohibitions of civilian small arms possession;
- limits on trade in small arms and light weapons solely to governments;
- constraints on legal trade and legal manufacturing of small arms and light weapons;
- promotion of international advocacy activity by international or non-governmental organizations; and
- a mandatory review conference.

The media covering the event used various phrases to describe this ‘red-flag’ speech – tough, mean, hard, a warning, prepared to do battle, etc. The speech also made news for reasons other than its tone. The extensive citation of the Second Amendment of the US Constitution reflected the NRA’s influence on the American position.

The paragraph in L.4/Rev.1 referring to advocacy was so uncontroversial that it had not drawn one intervention during the third PrepCom. Delegations were truly puzzled by the reference by Bolton to this item and assumed that the United States had included it to increase the unpleasantness of its attack on the draft text. Veteran disarmament diplomats at the Conference had a more sober assessment. Their goal was to reach a consensus on a *Programme of Action*, even if imperfect, for the cost of failure was unacceptable. In their view, two of the points made by Bolton on supplying non-state actors and civilian possession were well known.

Given that the various drafts of the *Programme* had kept these paragraphs despite strenuous US objections the brusqueness of the attack was not surprising to them. The speech merely emphasized that the United States was indeed serious – something had to be negotiated on these two points. The paragraph on advocacy was not that important. The point on constraining legal trade and manufacturing was somewhat exaggerated, and in any case many other states shared that view. Finally, many felt that the threat not to support a Review Conference was a bargaining chip that the United States would give up in exchange for the deletion of the two sensitive paragraphs on supplying non-state actors and civilian possession.

In more details, Bolton’s speech outlined the US position in the following way: The United States defined small arms and light weapons as strictly military arms that contribute to

²⁹⁸ The speech is attached in the Appendix and can also be downloaded on <<http://disarmament.un.org/cab/smallarms/statements/usE.html>>.

violence around the world. They are separate from firearms, and the responsible use of firearms is a legitimate aspect of life. Thus, it should not be assumed that all small arms are the same. Bolton described the strict controls that govern civilian ownership in the United States, stating that weapons cannot be transferred outside the United States without legitimate procedures. He also described US laws on brokering as comprehensive.

He noted several parts of the *Programme of Action* that the United States will not support and that the *Programme of Actions* goes beyond the scope of the Conference. These aspects should be addressed through national legislation or voluntarily on a regional level. The United States will not support measures that would constrain legal transfers. The United States will not support mandatory processes and will not commit to any legally binding instruments. Bolton requested that reference to restrictions on the civilian possession of arms be eliminated from the *Programme of Action*, and that other provisions that purport to require national regulation of the lawful possession of firearms be modified to confine their reach to illicit international activities.

In the first actual closed negotiation session, in the afternoon of 11 July, the meeting has been described as very busy, with all delegations attending. This was not the case in the morning ministerial meetings that were almost empty, while the delegations still presented the view of their governments.²⁹⁹ Contrary to general expectation, the US statement by Bolton of the first day of the Conference has not prompted a general shift amongst fence-sitters towards the US position. If anything, the opposite has occurred, with some member states digging in to strengthen the draft *Programme* (L4.Rev1). At this stage, the majority of the suggestions for the *Programme* have been strengthening rather than weakening.³⁰⁰ This is rather surprising given the US drum-beat at the beginning of the Conference. The delegates of the other countries seemed to test the US position and were looking for room of maneuver.

In the afternoon negotiation session, one of the key paragraphs for the United States concerning the transfer of small arms to governments has been discussed. While Indonesia, Brazil, South Africa, Egypt and Lesotho have seen this paragraph as important to keep, the United States only received support from Pakistan for deletion. The other 'usual suspects' (China, Russia, etc.) could easily hide behind the firm US position. Another hotly debated issue was the proposed prohibition of civilian ownership of military-style small arms. The

²⁹⁹ Interview with representative of Swiss delegation, New York, 12 July 2001.

³⁰⁰ See daily updates for summary of the debate. <<http://www.iansa.org/calendar/2001UN/events/jul11.htm>>. (Last checked March 2003).

United States built up strong opposition to it, but even some allied countries in the Middle East (especially Egypt as a regional leader) and also South Africa supported a ban.

On both issues a decision was not within reach and the agenda moved on to the next issues, which were less disputed. But nevertheless, international programs for specialist training has been opposed by the United States, again, as it stated that the United Nations could end up developing an entire bureaucracy on training. Instead, it proposed training programs based on national-level donor assistance. Indeed, the United States was opposing any enhanced role for the United Nations and did not want to commit itself to new financial contributions or internationally binding instruments.

On the fifth conference day, on 13 July, the first reading of the draft *Programme* (L4.Rev1) had been completed, and the second version of L5 has been announced to be available for discussion on Monday. Most of the comments made by the government delegates about the course of the negotiations were quite positive. Even the United States was not as negative or confrontational as in previous days. Though, it will not support what it called “an over-bureaucratised formal process.” The United States accepted follow-up meetings to the UN Small Arms Conference on an “as needed basis.” It also expressed its willingness for discussion to find acceptable solutions to outstanding issues for the follow-up process.³⁰¹

Over lunch of the same day, the US delegation held a semi-closed session specifically reserved for US-based NGOs. Almost the entire delegation was present, and a large amount of NGOs also attended – both from the gun lobby and the small arms control interest groups.³⁰² As the United States wanted the scope of the Conference as narrow as possible, definitions, particularly of the term “in all its aspects,” formed a major part of the discussion. While they recognized the human costs associated with small arms, they did not see this as the focus of the Conference. A clear reference to the domestic gun lobby was also made regarding the definition of SALW. In the US government opinion it was only about military weapons and not pistols or hunting rifles.

During this session, the US delegates also stated that the United States does not see global action as the way forward, saying that it is rather up to individual states to take action. This view was, however, at odds with other things that were said during the meeting – for instance that the United States expressed support for brokering restrictions. Furthermore, the United

³⁰¹ See daily update for comments of the delegates. <<http://www.iansa.org/calendar/2001UN/events/jul13.htm>>. (Last checked March 2003).

³⁰² Interviews with US NGO representatives who attended the meeting (New York, 13 July 2001)

States did not think there was a place for the United Nations in the follow-up to the Conference, arguing that governments are not accountable to the United Nations or the international community, rather they are accountable to their own country and laws. A clearer reference to the NRA was hardly given than in that occasion. Finally, the United States recognized that other states are free to provide resources to implement the *Programme*, but that the UN Conference was not the place to create such a pool of resources.³⁰³

When the new draft *Programme* (L5) was distributed on the next negotiation day, on 16 July, the overall mood was not very positive.³⁰⁴ Progress through L5 has been slow during the afternoon session, though President Reyes had called for an evening session. Several delegations, in particular the United States, have expressed their disappointment with the changes in L5, which they felt did not reflect improvements on problematic paragraphs in L4.Rev1. There was even a clear split between states from the Non-Aligned Movement and the EU, a coalition of states that normally walks together in these matters.

It was less astonishing, however, that the United States was increasingly isolated, rejecting key text suggestions and not suggesting alternative language in exchange. It even rejected proposals to clarify definitions as suggested by India when it wanted to insert a footnote to refer to ammunition and explosives as part of SALW. On the basis that there was no scientifically proven link, the United States also opposed a new paragraph that made a connection between poverty and illicit small arms trade. Egypt, on the other side, even wanted to go further and to add other root causes for poverty. Also many of other African states supported this Egyptian sponsored paragraph – but without prospect of success.

There was even a paragraph on terrorism and organized crime which was opposed by the United States. It opposed the paragraph mainly for two phrases “uncontrolled spread of SALW” and “controlling or reducing the supply and demand of such weapons.” It described them as “provocative and inflammatory.” This point is interesting to note, because it would have been interesting to see how the United States reacted to this paragraph after the 9/11 terrorist attacks. In any case, Norway, Canada and Namibia strongly supported this paragraph and other countries wanted to revert to the less controversial language in L4.Rev1.³⁰⁵

³⁰³ Information from daily update. <<http://www.iansa.org/calendar/2001UN/events/jul13.htm>>. (Last checked March 2003).

³⁰⁴ Interview with a representative of Swiss delegation, New York, 17 July 2001.

³⁰⁵ See daily update for more information <<http://www.iansa.org/calendar/2001UN/events/jul16.htm>>. (Last checked March 2003).

At the end of the seventh negotiation day, on 17 July, Reyes warned that nothing is agreed until everything is agreed. A clear statement that it was dangerous to assume that already approved paragraphs had actually been finished with. There will be additional final trading, which could open up debates about already agreed upon paragraphs. But especially paragraphs not yet approved caused a lot of diplomatic headache and were responsible for yet another evening session. The primary focus of the evening session lay on the negotiation of the *Preamble*.

It was almost the only time the United States did not only disapprove with paragraphs, but also made suggestions. However, the US proposals were not very well received. It suggested that Clauses 10 and 11 from the Inter-American Convention of the Organization of American States (OAS) be inserted in the *Preamble* of L5. Clause 10 of the OAS Convention recognized that states have developed different cultural and historical purposes for firearms. Control measures on the illicit trade in SALW must recognize these different views and lawful activities. Clause 11 of the OAS Convention recognized that states have their own domestic laws to control firearms and ammunition. This was another reference to its own domestic lobby, indicating that it could not accept anything on the negotiation table that was unacceptable domestically.³⁰⁶

Another reference to the domestic constituency was made with paragraph 15 in L5. The United States thought that it was even worse than the Paragraph in L4.Rev1. This paragraph would make it difficult for private citizens to import and export hunting rifles, or to support rebel movements against genocidal regimes. Consequently, the United States wanted it deleted. Both paragraphs were clear signs of the strength of the domestic negotiation level which was strategically used in the negotiations by the US delegation not to give in.³⁰⁷ It was clear for a majority of the national delegations that the United States would not compromise about the key concerns it has waved in the beginning of the Conference as red flags. Particularly, the issues of civilian possession and transfer to non-state actors were non-negotiable.

The agenda of any review process was equally important to the conference follow-up. This involved a repetition of the debate over determining the agenda for the conference itself. Canada and the EU wanted the follow-up to include not just monitoring implementation of the

³⁰⁶ See daily update for more information <<http://www.iansa.org/calendar/2001UN/events/jul17.htm>>. (Last checked March 2003).

Programme, but also consideration of new measures. Until the very end of the negotiations, the draft of the Conference President included the mandate to “examine ways to strengthen and develop measures contained” in the *Programme*. This inclusion was resisted by the United States and dropped from the final text. The final version has not clarified the question whether the work of the biennial meetings will deal exclusively with the *Programme of Action* as written or whether it can also discuss and develop action on new issues. In the following paragraphs, this stalling will be further illustrated by analyzing the US position on re-export, civilian possession and transfers to non-state entities.

Many countries, such as the EU and Canada, felt that also legal exports could have negative consequences, if the *Programme* did not establish export and re-export controls. If there were no established standards for export and re-export controls, this would create loopholes large enough to render ineffective much of the rest of the *Programme*. The key for these countries was establishing provisions that would commit governments to consider the implications of their exports in advance. Throughout the deliberations, countries such as China, Russia, and some NAM states resisted any measures that would restrict their ability to export or re-export small arms. This was consistent with long-standing differences between arms suppliers like the EU and the United States on the one hand and recipient countries on the other. The latter have historically resisted any restrictions on their ability to acquire – and re-transfer – military equipment.

However, the President’s draft of 16 July (L.5) attempted to reach a compromise by including language committing governments to assess export applications “according to strict norms and procedures [...] consistent with States’ existing responsibilities under international law.” This reference to international law was seen as too weak by the EU. In a further proposal, the President added “relevant” before “international law”. Finally, a consensus could be reached, when the phrase “taking into account in particular the risk of diversion of these weapons into the illegal trade” was added, and the word “norms” replaced with “national regulations.”³⁰⁸

A similar debate revolved around states’ ability to re-export weapons imported from another state. In this case, both sides of the arguing parties got what they wanted. States undertook to make every effort to “notify the original exporting State in accordance with their bilateral

³⁰⁷ Robert D. Putnam, 1988, “Diplomacy and Domestic Politics: The Logic of Two-Level Games,” *International Organization* 43(3), Summer, 427-460.

³⁰⁸ See section II, paragraph 11 of the Report of the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All its Aspects (UNGA, A/CONF.192/15). <http://disarmament.un.org/cab/smallarms/files/aconf192_15.pdf>. (Last checked March 2003).

agreements before the retransfer of those weapons, [...] without prejudice to the right of States to re-export small arms and light weapons that they have previously imported.” It was quite uncommon that an explicit reference to the “right of States to re-export” weapons has been included. This was another clear indication of the strong influence exerted both by the small arms industry and the gun lobby.

A majority of national delegations saw the possession of small arms by civilians as potential problem.³⁰⁹ They believed that the Conference should also deal with this issue. No delegation, however, was prepared to have common rules for civilian possession applied to the national level. That this is why the earlier language in L.4/Rev.1 was general, asking states to “seriously consider the prohibition of unrestricted trade and private ownership of small arms and light weapons specifically designed for military purposes.” Citing its own constitution and especially the second amendment,³¹⁰ the United States opposed this provision. This opposition was not surprising given the opening statement by Under-Secretary of State Bolton as well as the strong influence of the NRA and the presence felt by its representative. On the other hand, South Africa, a country heavily affected by private gun ownership and related crimes stated that *keeping* this paragraph in the document was a ‘red line’ issue for it, too. Norway gave also an extensive defense of the paragraph. It argued that civilian possession was directly linked to many of the negative consequences outlined in the *Preamble*.

In the clearest case of the NRA’s influence on the US position, the latter rejected any mention of the term “civilian possession” in the text, no matter how general, weak or lacking in commitment. Several delegations suggested compromise language stressing the prohibition of fully automatic weapons. Others reminded the United States that the language of the civilian possession paragraph came from the Report of the 1999 Group, to which the United States and the whole General Assembly had agreed.³¹¹ Several options were presented from the floor in this vein, each of which was dismissed by the United States.

Reflecting suggestions from the floor and the US pressure, the relevant paragraph of the national measure section of the *Programme of Action* was changed to “establish or maintain, subject to the respective constitutional and legal systems of States, regulations on the

³⁰⁹ Especially, representatives from Brazil voiced very strong concerns being heavily affected by wide spread gang violence.

³¹⁰ Second Amendment as included in the Bill of Rights: “A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.” <<http://caselaw.lp.findlaw.com/data/constitution/amendment02/>> (last checked March 2003).

³¹¹ UNGA, 1999, A/54/58, para 120.

ownership of small arms and light weapons and to apply those regulations in a manner consistent with the *Programme of Action*.”

Again, the United States dismissed also this compromise language, as did other delegations that insisted that this issue was important enough to be retained as an operational measure. The US delegation tried to put forward language on this issue, but it was unacceptable to the rest of the Conference delegations. In the very last negotiation night, the negotiating parties decided to drop this paragraph altogether.

Early on in the Conference, the United States flagged as one of its ‘red line’ issues the paragraph in the draft *Programme* establishing that “[e]xporting countries will supply small arms only to Governments, either directly or through entities authorized to procure arms on behalf of Governments.” The United States objected that this would constrain legal commercial sales to collectors and hunters, and would tie government hands more broadly in the future. This is another typical case where the domestic influence and lobbying can clearly be seen. The speech by the US Under-Secretary of State John Bolton at the ministerial opening day to the Conference made this abundantly clear when he stated that “this proposal would preclude assistance to an oppressed non-state group defending itself from a genocidal government.”³¹² Yet many other delegations, especially from Africa, took the floor in support of the paragraph, suggesting some slight modifications that did not alter its meaning.

The President’s compromise package contained a new text on this issue, taking it out of the measure section and making it part of the *Preamble*: “*Believing* also that Governments bear the responsibility to supply small arms and light weapons only to Governments, or to entities duly authorized by governments.” However, it remains open to interpretation whether “entities duly authorized by governments” means entities authorized by both the exporting and importing countries, or only one of those. As in the case of civilian possession of small arms, the United States rejected the proposed text by the President. This rejection rebuffed the African bloc which had decided to stand firm against the United States on this issue until the very end when they realized that a *Programme of Action* could only be concluded by deleting the issues opposed by the US delegation. It is interesting to note that at no time in the debate did any other state side with the United States on this question, even though many countries regularly export arms to non-state actors. Since they knew that the United States would not

³¹² Statement by John R. Bolton, Under Secretary of State for Arms Control and International Security Affairs, Ministerial Session of the UN Small Arms Conference, July 9, 2001. <<http://disarmament.un.org/cab/smallarms/statements/usE.html>> (last checked December 2004).

back down, these states – particularly China – could afford to hide behind the US position – letting the United States appear as the sole obstacle to agreement on this issue. This behavior once more raises the question why the United States was so uncompromising.

7.5 The NRA as a key actor

The National Rifle Association of America (NRA) plays an important part in answering this question. The Second Amendment of the US Constitution builds the core of their argument: “A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.”³¹³ From this amendment, the NRA derives the unalienable “right to bear arms.” According to the interpretation by the NRA, the Second Amendment speaks to far more than the right to keep firearms. It constitutes a fundamental US freedom worthy of defense such as freedom of speech.³¹⁴ The NRA president, Academy winning actor Charlton Heston, stated in a speech at the Harvard Law School on 16 February 1999: “The Second Amendment is the backbone, the keel, the keystone and compass without which freedom is invariably lost. Aristotle knew it, anyone who considers it can comprehend it, and no judge can deny it simply by saying it isn’t so.”³¹⁵

However, the interpretation of the Second Amendment has always been a hotly debated subject in the US public – and in court. There are many court decisions on this subject, but all provide basis for new debates. The opponents to the NRA, mostly the gun control community, blame the gun lobbyists to skip the first part of the Amendment and to disconnect it from the historical background when the United States still had a militia army to defend itself.³¹⁶

Since the United States no longer maintains a militia army, the Second Amendment seems obsolete. But the gun lobbyists focus even more on the second part that can be interpreted as to warrant the right for all citizens to bear arms. Some right-wing militant circles even reintroduced the tradition of historic militias – some with a heavier emphasis on the fancy dresses, others with clear political and even criminal intentions. Members of these militias have been involved in a couple of assassinations that have generated nation-wide attention.

³¹³ See Second Amendment to the US Constitution: Bearing Arms <<http://caselaw.lp.findlaw.com/data/constitution/amendment02/>> (last checked March 2003).

³¹⁴ NRA. 2001. Fact Sheet: NRA and the Second Amendment <<http://www.nraila.org/Issues/FactSheets/Read.aspx?ID=108>> (posted 6 November 2001, last checked March 2006).

³¹⁵ Charlton Heston, 1999, Winning the Cultural War, Speech at the Harvard Law School, 16 February 1999 <<http://www.nrahq.org/transcripts/harvard.asp>> (last checked March 2003).

³¹⁶ Jack Anderson, 1996, *Inside the NRA: Armed and Dangerous*, Beverly Hills: Dove Books, 51.

The most prominent event took place on 19 April 1995, when Timothy McVeigh, a member of the Michigan Militia, blew up a government building in downtown Oklahoma City. The hard core of the militia movement comprises approximately 20,000 people. It sees its main *raison d'être* in fighting the federal government who they consider as oppressive. They see in the armed people a legitimate balance to the power of the government. In their view bearing arms is a precondition for the separation of powers.³¹⁷

On this point the chain of arguments of the right wing militia meets again the standard NRA position, as Heston has argued in his speech at the 128th Annual Meeting of the NRA Members in Denver on 1 May 1999: "Let me be absolutely clear. The Founding Fathers guaranteed this freedom because they knew no tyranny can ever arise among a people endowed with the right to keep and bear arms."³¹⁸ By upholding the tradition of the civil rights movement, Heston even considers himself as a follower of Martin Luther King.³¹⁹ The NRA sees the right to bear arms as a prevention measure against crime and as the inherent right of the weak:

To imagine a world with no guns is to imagine a world in which the strong rules the weak, in which women are dominated by men, and in which minorities are easily abused or mass-murdered by majorities. Practically speaking, a firearm is the only weapon that allows a weaker person to defend himself from a larger, stronger group of attackers, and to do so at a distance.³²⁰

The NRA was principally an organization for hunters and sports-shooters some thirty years ago. But during the 1990s the more radical wing gained more and more influence and streamlined the Association's fundraising and lobbying activities.³²¹

³¹⁷ Keep and Bear Arms, 2000, "The Arkansas Republic: Declaration of Sovereignty, Independence, and Allegiance," *News and Editorials* <<http://www.keepandbeararms.com/newsarchives/XcNewsPlus.asp?cmd=view&articleid=904>> (last checked March 2003); Christian Guide to Small Arms even criticizes that "NRA has time and again failed to protect the right to keep and bear arms." <<http://www.frii.com/~gosplov/cgsa.html>> (last checked March 2003).

³¹⁸ Charlton Heston, 1999, Speech at the 128th Annual Meeting of the NRA Members, Denver, CO, 1 May 1999 <<http://www.tsra.com/Heston2.htm>> (last checked March 2003).

³¹⁹ Charlton Heston, 1999, Winning the Cultural War, Speech at the Harvard Law School, 16 February 1999 <<http://www.nrahq.org/transcripts/harvard.asp>> (last checked March 2003).

³²⁰ Dave Kopel, Paul Gallant and Joanne Eisen, 2003, A World Without Guns, America's First Freedom, One on One Column <<http://www.nrahq.org/publications/tag/feature1.asp>> (last checked February 2003).

³²¹ The Economist, 2000, In the Cross-Hairs, 6 July 2000, 53.

After a sequel of hate crimes and assassination with firearms, there were serious tensions between fundamentalist gun-lobbyists on the one hand and moderate NRA members and majority of the gun industry on the other hand, which increasingly feared claims of compensations similar to the tobacco industry.³²² While the moderate wing would accept higher restriction to dampen public pressure, the hardliners, however, see no connection between gun regulation and reduction of gun casualties – even though resulting in 30,000 deaths annually in the United States.³²³ In their view, even weak gun laws are depicted as another step on the slippery slope towards state tyranny. As Randy Gibson, executive director of the NRA's affiliate organization in Texas, puts it, "The gun-control laws are just steps towards law-abiding citizens losing all their rights to own weapons."³²⁴ They argue that people kill and not weapon. This means that a higher spread of weapons does not necessarily result in higher casualty rates; and recalling traditional and religious values could mitigate the problem.³²⁵

The more fundamentalist and radical wing has gained the upper hand over the NRA's agenda with the election of the current executive vice president, Wayne LaPierre. He has put enormous pressure on the more moderate NRA members to follow his tougher line or to keep a low profile in public.³²⁶ LaPierre has long warned the NRA about the evil ways of the liberal political elite and has denounced the Million Mom March as "a big, stinking, dangerous, Al Gore lie." In a fund-raising letter he accused agents of the Bureau of Alcohol, Tobacco and Firearms, the federal agency responsible for gun law enforcement, of being "jackbooted thugs."³²⁷

This rude political tone provoked an exodus of several moderate NRA members, including George Bush senior. They were worried about the image of the Republican Party, since there are close links – both financially and personally – between the GOP and the NRA. Shortly after Columbine high school shooting in April 1999, the NRA was on the defensive. Yet, by

³²² Lorenz, Kummer, 1999, "Waffenhersteller unter Druck," *Zürcher Oberländer* 19 February 1999, 3.

³²³ On casualties see Walter Niederberger, 2003, "Die miesen Tricks der Waffenlobby," *Tages-Anzeiger* 11 February 2003, 12.

³²⁴ The Economist, 2000, In the Cross-Hairs, 6 July 2000, 53.

³²⁵ Darell Scott, 1999, Testimony of Darell Scott, father of two victims of Columbine high school shooting Littleton, CO, before the subcommittee on crime house judiciary committee. United States House of Representatives, 27 May 1999 <<http://www.shaw.co.za/Columbine%20testimony.htm>> (last checked March 2003).

³²⁶ Harry Brown and Daniel G. Abel, 2003, *Outgunned: Up against the NRA: The First Complete Insider Account of the Battler over Gun Control*, New York: Free Press.

³²⁷ The Economist, 2000, In the Cross-Hairs, 6 July 2000, 53.

organizing a more coherent lobbying effort in Congress, the NRA was able to prevent any stricter gun regulations on a federal level.

Part of its strength stems from the fact that the NRA belongs to the best-organized and well-funded lobby groups in the United States.³²⁸ Its immense organizational infrastructure and financial resources provide the NRA an enormous leverage to promote its interest. It has almost 4.5 million members and an annual budget of more than US\$ 200 million.³²⁹ The NRA has a specially designed professional lobby organization: The NRA Institute for Legislative Action (NRA-ILA). The NRA provides a highly developed Internet service with an integrated fundraising tool that allows acquiring new members and collecting donations online. The NRA-ILA website informs about current political debates related to gun control issues. Furthermore, with a click of a mouse, it allows putting pressure on representatives in the US Congress who are not in line with the NRA position.

The ability to mobilize collective action and pressure are crucial resources of the NRA. It is embedded in a wide network of local gun activist groups, mostly in rural areas.³³⁰ It has a tailor made marketing strategy for different target groups both online and based on other activities such as public events and speeches. There are specialized web-zones and journals for young and female shooters, hunters, sport shooters, weapons collectors and many more. In the run-up to the UN Small Arms Conference, the NRA has intensified the international cooperation with other gun lobby groups and shooting organizations. The NRA is a founding organization of the World Forum on the Future of Sport Shooting Activities (WFSA) which was established in 1997. There is not much information available on the WFSA that seems to be an obscure collection of weapons producers, collectors, and lobbyists.³³¹

The NRA is deeply embedded into the political system of the United States and particularly close to the GOP. This conjunction allows influencing the US government position on the small arms issue on the international arena. This was particularly the case during the UN Small Arms Conference. Any new gun restriction is an unacceptable measure against NRA's

³²⁸ See Judy Sarasohn, 2001, "Fortune: NRA is No. 1 on Capitol Hill," *Washington Post* 17 May 2001, A21.

³²⁹ See Jeffrey H. Birnbaum, 2001, "Washington Power 25: Fat and Happy in DC," *Fortune* 14 May 2001.

³³⁰ Robert Dreyfuss, 2000, "Notfalls die reine Lehre opfern," *Freitag: Die Ost-West-Wochenzeitung* 24 <<http://www.freitag.de/2000/24/00241101.htm>> (last visited March 2003).

³³¹ Nathalie J. Goldring, 1997, "Links Between Domestic Laws and International Light Weapons Control," Workshop on Controlling the Global Trade in Light Weapons, American Academy of Arts and Sciences and Carnegie Commission on Preventing Deadly Conflict, Washington, DC, 11-12 December 1997. Published on *BASIC Publications* <http://www.basicint.org/WT/plw/97-links_between.htm> (last checked February 2003). Only recently, the WFSA has also opened a website on its activities (<http://www.wfsa.net/>). It clearly focuses on lobby activities and image advertising.

core belief.³³² Kenneth Janda, political scientist at Northwestern University, considers the NRA to be the most influential lobby group in the United States.

Table 7.6: Long-Term Contribution Trends from Gun Rights Lobby Groups

Election Cycle	Rank†	Total Contributions	Contributions from Individuals	Contributions from PACs ³³³	Soft Money Contributions	Donations to Democrats	Donations to Republicans
2002	67	\$2,550,209	\$57,995	\$1,552,616	\$939,598	\$169,150	\$2,378,761
2000	63	\$4,297,645	\$508,947	\$1,964,176	\$1,824,522	\$311,050	\$3,978,145
1998	62	\$2,529,500	\$317,628	\$1,861,872	\$350,000	\$317,665	\$2,207,295
1996	70	\$2,003,877	\$129,596	\$1,786,556	\$87,725	\$284,240	\$1,719,637
1994	56	\$2,354,239	\$77,242	\$1,973,497	\$303,500	\$435,438	\$1,918,338
1992	63	\$1,883,455	\$52,375	\$1,831,080	\$0	\$646,592	\$1,236,863
1990	68	\$788,887	\$20,700	\$768,187	N/A	\$293,752	\$495,135
Total	65	\$16,407,812	\$1,164,483	\$11,737,984	\$3,505,345	\$2,457,887	\$13,934,174
<i>Contributions by Gun Control Groups in Election Cycle 2002</i>							
2002	80	\$120,656	\$2,800	\$117,856	\$0	\$121,525	(\$869)

Source: Center for Responsive Politics: <http://www.opensecrets.org/industries/indus.asp?Ind=Q13> and <http://www.opensecrets.org/industries/indus.asp?Ind=Q12>

†These numbers show how the industry ranks in total campaign giving as compared to more than 80 other industries. Rankings are shown only for industries (such as the Automotive industry) -- not for widely encompassing 'sectors' (such as Transportation) or more detailed 'categories' (like car dealers).

Methodology: The numbers on this table are based on contributions of \$200 or more from Political Action Committees (PACs) and individuals to federal candidates and from individual and soft money donors to political parties, as reported to the Federal Election Commission. While election cycles are shown in charts as 1996, 1998, 2000 etc. they actually represent two-year periods. For example, the 2002 election cycle runs from 1 January 2001 to 31 December 2002. Data for the current election cycle were released by the Federal Election Commission on 13 January 2003.

The legislators in Congress are well aware of the fact that the NRA informs its members about the senators' and representatives' positions vis-à-vis current gun legislation debates. They also know that their position on gun issues will influence their 'attractiveness' for NRA members, i.e. potential and influential voters as well as financial contributions, in the elections. The NRA not only monitors the behavior of the politicians, while they sit in the legislative body, but also tries to influence the outcome of the election by recommending specific candidates and giving donations to the political parties. From a rational choice perspective, especially conservative legislators try to diminish the uncertainty and fall in line with the NRA position. If a congressman seemed to be wavering, the NRA can immediately

³³² See Reto Pieth, 1999, "Macht und Mythos eines Schützenverbandes," *Tages-Anzeiger* 14 October 1999, 2.

³³³ Political Action Committee or PAC is a popular term for a political committee organized for the purpose of raising and spending money to elect and defeat candidates (See "What is a PAC?" Center for Responsive Politics <<http://www.opensecrets.org/pacs/pacfaq.asp>> (last visited March 2003)).

start a ‘naming and shaming’ campaign by mobilizing several hundred or thousand NRA members and sympathizers.

The NRA not only threatens to cut off funding, but also to back the candidate’s opponent as well as to damage his image with negative commercials. In the past decade alone, the NRA has spent almost US\$ 12 million on advocacy advertising.³³⁴ Based on a survey where congressmen, civil servants and other lobby groups have participated, Fortune Magazine placed the NRA on the top position of all US lobby groups.³³⁵

The political power of the NRA has partly stemmed from the disorganization of its opponents. The focus on just one issue, i.e. the prevention of legislation that prevents gun ownership, strengthens the NRA much more than other lobby groups who have a much broader agenda and, therefore, have to make much more compromises with their constituency. The NRA is an important supporter of and donor to the Republican Party. Between 1991 and 2000 it has spent almost US\$ 9 million for direct election support for political parties and individual candidates. Four-fifths of this money went directly to the GOP. In the mid-term elections 2002, well above nine-tenths of the total contributions by gun lobby groups went to the GOP.³³⁶ In that sense, it is not surprising, that the Republicans in Congress have mainly been responsible for blocking gun-control legislation. Based on its embedded network, especially in rural and suburban areas, the NRA has similar grassroots mobilizing effect for the GOP as labor unions have for the Democratic Party. The NRA had a key impact in the 1994 Congress elections in at least 12 precincts that are normally held by Democrats.³³⁷

The NRA played an important role both in the Presidential Election 2000 and the mid-term elections 2002. The NRA was particular interested in having a US President with good NRA credentials, since it is up to him to appoint the new members of the US Supreme Court. This is a crucial point when federal gun law has to be interpreted. For that reason, the NRA has invested several million US\$ alone to support George W. Bush during his presidential

³³⁴ The Economist, 2000, In the Cross-Hairs, 6 July 2000, 53.

³³⁵ See Jeffrey H. Birnbaum, 2001, “Washington Power 25: Fat and Happy in DC,” *Fortune* 14 May 2001.

³³⁶ In 2002, the main lobbyists were the NRA, the National Shooting Sports Foundation, Gun Owners of America and the Arena PAC. Together they contributed a total of US\$ 2,6 million to the Republican Party. In the same period, the Democrats received a total of US\$ 172,500 from the same group. Center for Responsive Politics (Open Secrets): Gun Rights: Top Contributors <<http://www.opensecrets.org/industries/contrib.asp?Ind=Q13&Cycle=2002>>. For a detailed account on NRA’s contribution see <<http://www.opensecrets.org/orgs/summary.asp?ID=D000000082>>. (last checked March 2003)

³³⁷ Robert Dreyfuss, 2000, “Notfalls die reine Lehre opfern,” *Freitag: Die Ost-West-Wochenzeitung* 24 <<http://www.freitag.de/2000/24/00241101.htm>> (last visited March 2003).

campaign. Thinking about a possible victory of Governor Bush excited many NRA front lobbyists.

During a closed meeting, the NRA Vice President, Kayne Robertson, was so thrilled to allege that with a victory by George W. Bush the NRA would be in a position “where we work out of their office.” He expected “unbelievably friendly relations” with a Bush White House.³³⁸ This would create quite a different atmosphere than with President Clinton at that time. The relationship between the NRA and the White House during the Clinton years was very tense. Wayne LaPierre even insinuated that President Clinton needed a certain amount of violence in the United States. He would accept a certain amount of homicide to promote his own political agenda – to introduce tougher gun legislation.

Table 7.7: Top Contributors of Gun Lobby Groups in the Election Cycle 2000

Rank	Organization	Amount	Democrats	GOP
1	National Rifle Association	\$3,079,346	8%	92%
2	National Shooting Sports Foundation	\$330,000	0%	100%
3	Safari Club International	\$275,500	13%	86%
4	Gun Owners of America	\$83,618	6%	94%
5	Arena PAC	\$18,356	5%	95%
6	SHOT-PAC	\$11,000	5%	95%
<i>Contributions by Gun Control Groups in Election Cycle 2002</i>				
1	Handgun Control Inc	\$375,614	97%	3%

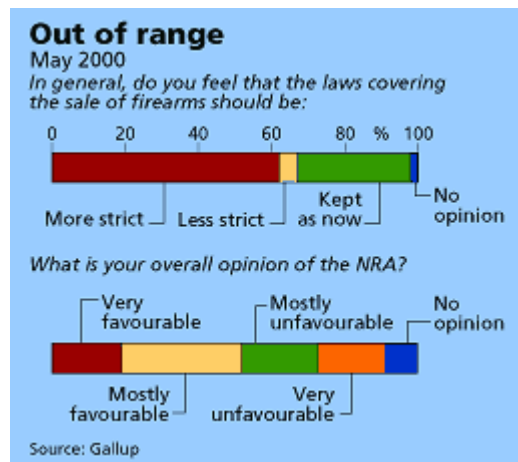
Source: Center for Responsive Politics: <http://www.opensecrets.org/industries/contrib.asp?Ind=Q13&Cycle=2000> and <http://www.opensecrets.org/industries/contrib.asp?Ind=Q12&Cycle=2000>

From this perspective, the NRA would have actually even benefited if Al Gore had been elected – as long as the Republicans would remain in control of the US Congress.³³⁹ Al Gore would have been a perfect target and scapegoat if he wanted to introduce tougher domestic gun regulations and promote a small arms policy on the international level that would generate some binding norms and restrictions.

But the often intolerant rhetoric and the danger of being hijacked by the NRA agenda made a lot of leading Republicans nervous. Presidential candidate Bush and Republicans running for a seat in US Congress tried to keep some distance towards the NRA, even though a Gallup poll showed in May 2000 that a slight majority of the US population thinks favorably of the NRA.

³³⁸ John Mintz, 2000, “Gun Lobby’s No. 2 Officer Brags of its Close Ties to Bush,” *Herald Tribune* 5 May 2000, 3.

³³⁹ The Economist, 2000, In the Cross-Hairs, 6 July 2000, 53.

*Figure 7.1: Contradicting Positions on Domestic Gun Regulation and NRA Support*³⁴⁰

However, Osha Gray Davidson, a professor at the University of Iowa and an expert on the NRA, argues that for the first time a block of voters is forming to elect candidates on the basis of a single issue: their support for gun control. The same Gallup poll showed that a majority of more than 60% supports stricter gun regulations. This ambivalent voters' preference³⁴¹ was quite confusing for a targeted message on this issue.

The Presidential campaign had to be so sensitive on the issue and favor the introduction of some 'soft' gun-control rules, such as penalties for people who fire guns in church, and dissociating himself from too extreme NRA members, but on the other hand keep good relations with the general notion with more moderate NRA members. Bush's sidling was very successful and the NRA support was crucial in winning three states that normally elect the Democratic Presidential candidate. If only one state would have voted for Gore he had won the Presidency.³⁴² But in the end, it is difficult to assess with any precise certainty how influential the gun control vs. gun right debate really was in deciding the very tight and contentious outcome of the election, since also the Democrats could profit from this topic with reversed effects in urban electoral districts.³⁴³

The Bush Administration decided several times in favor of the NRA's preferences in its first two years. Attorney General John D. Ashcroft stopped the Gun-Buy-Back program from the Clinton era stating that it does not belong to the 'core missions' of the US Department of

³⁴⁰ The Economist, 2000, In the Cross-Hairs, 6 July 2000, 53.

³⁴¹ ABCNews, 1999, 'Ambivalence on Gun Control,' 8 September 1999. <<http://abcnews.go.com/sections/politics/DailyNews/poll990908.html>>. (Last checked March 2003).

³⁴² See Jeffrey H. Birnbaum, 2001, "Washington Power 25: Fat and Happy in DC," *Fortune* 14 May 2001.

³⁴³ See E. J. Dionne, Jr., 2001, "Guns and Votes," *Washington Post* 13 February 2001, A21.

House and Urban Development.³⁴⁴ Ashcroft's letter to the director of NRA-ILA in early 2001 fiercely sparked debate over Second Amendment that was long interpreted as applying only collectively. But Ashcroft also included an explicit individual right to bear arms.³⁴⁵ One year later, Ashcroft officially informed the US Supreme Court that the US government has changed its position. It was the first time that a top-level government representative officially promoted individual gun ownership.³⁴⁶

This Supreme Court filing completely reversed past government policy. By adopting the view that the Constitution confers an individual right on each American to own a gun, the Justice Department has put the government's opinion on a reading of the Second Amendment that enjoyed little support from courts or legal commentators until relatively recently.³⁴⁷ The NRA knew that it had the federal government on this central issue on its side. But the high mood of the NRA was dampened by a federal appeals court ruling in defense of a decision by the state of California to ban assault weapons. The court thereby rejected the new Justice Department policy asserting that the Second Amendment affords individuals, not just state militias, broad rights to carry guns.³⁴⁸

From the analysis above, it is clear that the NRA will not accept any regulation negotiated in the UN framework and would passionately defend the right to bear arms. In the run-up to the UN Small Arms Conference, the NRA criticized at the first panel report meeting of the World Forum on the Future of Sport Shooting Activities (WFSA) that the UN process would mean the end of sport shooting activities in many countries. The NRA perceived the UN Small Arms Conference as a serious threat to its very existence. They feared a direct link between newly established global small arms norms and regulations on the one hand and national firearms legislation on the other hand. Binding international small arms arrangements would create more pressure domestically to tighten US gun legislation.

The NRA had an own representative, Thomas Mason, accredited during the UN Small Arms Conference. He, together with an international group of weapons producers, collectors and gun right activist, lobbied the United States and delegations from other countries during the

³⁴⁴ See Ellen Nakashima, 2001, "Administration Calls Halt to Gun Buybacks," *Washington Post* 26 July 2001, A23.

³⁴⁵ Dan Eggen, 2001, "Ashcroft: Gun Ownership an Individual Right," *Washington Post* 24 May 2001, A13.

³⁴⁶ Edward Walsh, 2002, "U.S. Argues For Wider Gun Rights," *Washington Post* 8 May 2002, A01.

³⁴⁷ Charles Lane, 2002, "Gun Ownership – New, Old View: U.S. Adopts 'Individual Rights' Theory of 2nd Amendment," *Washington Post* 9 May 2002, A07.

³⁴⁸ Rene Sanchez, 2002, "Stance on Guns for Individuals Rejected," *Washington Post* 6 December 2002, A19.

whole negotiations. They closely watched the developments and even had a representative of the US Congress, Bob Barr (Rep, GA), as an official member of the US delegation who could report back from the closed negotiation sessions whether the United Nations was in violation of the Conference mandate and whether the US delegations waved their flags where necessary.

On the issue of international regulation, the Executive Director of the NRA's Institute for Legislative Action, Tanya Metaksa, wrote a letter to US Senator Jesse Helms (GOP) stating that "[a]ny 'harmonization' would inevitable [sic!] mean tightening controls on loosely regulated US gun business, and would be opposed by the NRA and other US pro-gun organizations."³⁴⁹ In a rather short speech, but with clear intentions, Thomas Mason, the NRA's representative during the UN Small Arms Conference, stressed that the *Programme of Action* would infringe the right of US citizens to bear arms. Enigmatically, he stated that "[s]ome [countries] assure us that the end result [of the UN Small Arms Conference] will have no impact on lawful civilian ownership, others propose that it could, should, must and will."³⁵⁰

Interesting enough, there are no detailed statements about the drafts or the final *Programme of Action* on the NRA-website that usually provides a plethora of information. But from the other public statements of both the NRA and the US government it can be derived that the following points of the draft version L.4/Rev.1 were particularly opposed:

- General postulation: The Conference topic should strictly be reduced to *illicit* trade and not expanded to other topics such as civilian firearms possession;
- Statement that the uncontrolled and excessive accumulation of small arms could have a destabilizing effect and should therefore be reduced;
- Marking and tracing of small arms as well as destruction of unmarked weapons;
- Prohibition of unrestricted trade and private ownership of small arms specifically designed for military purposes;

³⁴⁹ Letter from Tanya K. Metaksa, Executive Director of the NRA's Institute for Legislative Action, to Senator Jesse Helms, 11 January 1996. Quoted in Nathalie J. Goldring, 1997, "Links Between Domestic Laws and International Light Weapons Control," Workshop on Controlling the Global Trade in Light Weapons, American Academy of Arts and Sciences and Carnegie Commission on Preventing Deadly Conflict, Washington, DC, 11-12 December 1997. Published on *BASIC Publications* <http://www.basicint.org/WT/plw/97-links_between.htm> (last checked February 2003).

³⁵⁰ National Rifle Association, 2001, Statement of the NRA at the UN Conference on the Illicit Trade in Small Arms and Light Weapons in All its Aspects <http://www.shaw.co.za/UN_NRA.htm> (last visited February 2003).

- Notion to undertake national awareness programs to reduce the demand of small arms.

Defining the subject of a negotiated document is always controversial – but also very crucial for successfully dealing with the problem. Governments – and also scholars – argue that a program requires a shared understanding of the problem. On the other hand, delegations opposed to any treaty or program would just as soon tie up the process in definitional arguments.

Three different ways of dealing with the definitional problem had been offered: 1) Specific definitions by the United States and the EU that limited the weapons to strictly military types; 2) a broad, enumerative definition developed by the 1997 Panel; and 3) no reference at all to any definition.

The differences arose from the interest of specific countries in tailoring the *Programme of Action* to the types of small arms and light weapons of greatest concern to them. For example, India, Sri Lanka, and some African states insisted that the *Programme* also address ammunition and explosives.

The United States was under pressure from the NRA to ensure that the *Programme* did not mention or even cover civilian weapons. In the first draft, the solution proposed was to simply refer in a footnote to the definition developed by the 1997 Panel, a three-page section of that report. The option adopted at the final session of the Conference was to have no definition at all. Proponents of this approach explained that precision was not necessary in a political document. The issue melted away in the final days of the Conference. Nowhere in the *Programme* is there a definition of small arms and light weapons.

As has been shown in this chapter, but also in also Chapter 7.4 there are clear indications that the NRA as most prominent gun lobby group could substantially influence the position of the US delegation and also the outcome of the UN Small Arms Conference. This highlights once more the importance of domestic constituency in the negotiation process as has been described by Putnam (1988).

8 Case Study II: SWITZERLAND

*Switzerland [...] attaches great importance to the implementation of the programme of action, which should not be allowed to remain merely fine words. Implementation is crucial and must be tackled promptly by the community of nations in co-operation with the United Nations, regional organizations and NGOs.*³⁵¹

—Ambassador Raimund Kunz, Head of Swiss Delegation,
Federal Department of Foreign Affairs,
Statement at Ministerial Session of the
UN Small Arms Conference, July 11, 2001.

8.1 Domestic setting: Militia tradition and Tell's sons

In the second half of the 19th century arms manufacturing became an important industrial sector in Switzerland. Switzerland's tradition of armed neutrality and the modest domestic demand resulting from its relatively small size pushed the government into creating and managing a defense industry to secure domestic supplies for its armed forces and promoting exports of military goods. To understand the particular dynamics of the Swiss small arms industry and its international role, the years following World War I are important. The development of Switzerland's weapons production capabilities is closely linked to the fate of Germany and its defense industry. The Treaty of Versailles brought the manufacture of weapons in Germany to a complete halt. Germany's Rheinmetall engineers appeared on the payroll of Bührle which instantly became an international supplier of heavy machine guns as well as sophisticated fuses, grenades and other arms.

³⁵¹ Statement by Ambassador Raimund Kunz, Head of Swiss Delegation, Federal Department of Foreign Affairs, Ministerial Session of the UN Small Arms Conference, July 11, 2001. <<http://disarmament.un.org/cab/smallarms/statements/swissE.html>> (last checked December 2004).

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Following World War I, the knowledge of German engineering was either converted to produce for the civilian market or migrated abroad to continue their trade in countries like Switzerland (Bührle), Spain (Santa Barbara), France (Manurhin) and Argentina (Fábrica Militar). To the extent that the existing patents were internationally honored, the respective owners were eager to sell licenses. As an example, Hämmerli in Switzerland produced Walther pistols under license while production was forbidden in Germany. It also continued to do so after the ban was lifted with Germany's entry into NATO.

But the Swiss small arms industry is not entirely focused on military and police weapons. Sport and hunting weapons as well as personal weapons mainly for the American market make an important contribution to the turnover. Immediately after 1945, products for the military market, like the assault rifle in the case of SIG, constituted a core business. Some of these products remained part of the production program until the late 1970s. The total ban of firearm production in Germany immediately after World War II drove the production of many German companies into Switzerland. Even after the ban was lifted again in the 1950s, the production mainly remained in Switzerland. What follows is a short overview of the most important small arms companies in Switzerland.

RUAG Ammunition was founded in 1863 and expanded into a substantial government-owned company producing a wide range of infantry weapons and equipment. Another important private company active in the production of military equipment focusing on small arms and ammunition was SIG (Schweizerische Industrie-Gesellschaft; Swiss Industrial Company). After World War II, the Swiss arms manufacturing sector grew and exported its products with little constraints. At the time, not even embargoes of the United Nations were observed. Under the label of 'courant normal,' Switzerland as a neutral country did not feel particularly obliged by international restrictions. But increasing political pressures from inside against this exploitation of sensitive markets in combination with international pressures to comply with international embargoes led to a steady decline of exports by the arms industry in Switzerland – most obviously after the end of the Cold War. The military production of Oerlikon-Bührle including Contraves (formerly Oerlikon-Bührle) and SIG resulted in heavy losses by the mid-1990s. In the absence of a national industrial policy to maintain domestic capacities, German companies eventually absorbed most of the private military factories in Switzerland in their effort to consolidate the sector on the European level.

In the case of Sauer a long-standing co-operation led to a consolidation of small arms production between Switzerland and Germany. Shortly after the World War II, Sauer sold a

license to Hämmerli in Lenzburg (Switzerland) to produce small caliber sport weapons of Sauer design. In the 1960s, when the German border guards (Bundesgrenzschutz) procured the SIG P 210 pistol, Sauer produced it under license. This co-operation was eventually converted into a complete take-over of Sauer by SIG (Schweizerische Industrie-Gesellschaft). This take-over was reversed when new German owners acquired Sauer. They also took over SIG's small arms segment in 199. Rheinmetall controlled SIG's other military sections (ammunition) (Lock 2000). SIG pistols are considered to be among the best weapons on offer for police forces and the military as well as a high quality personal weapon.

In the mid-1990s, Sauer purchased the trademark of Mauser from Rheinmetall. With this purchase, Mauser aimed at the lower priced end of the American market for personal weapons. Later on, in its drive to strengthen its position as a dominant supplier of infantry weapons in Europe, Rheinmetall took over Mauser. The sales of SIG Arms and Oerlikon Contraves to German companies reflected additional consolidations of existing capacities in Europe. Against this background, the transfer of Swiss orders from SIG Arms production to Rheinmetall must be seen as a strategic step in the on-going process of transnational consolidation of small arms manufacturing.

8.2 Decreasing Swiss arms industry

It appears reasonable to assume that currently exports of small arms in Switzerland are tightly controlled and of declining importance. Therefore, most companies focus on sport and hunting weapons or on expensive specialized weapons like sniper guns produced only in small numbers. Though, almost the only volume market appears to be the private American market. Additionally, at least for producers of specialized pistols, the demand by American police and private security services is also growing.

Apart from official procurement and purchases, it is obvious that a considerable part of the customers of Swiss small arms consists of collectors who behave not unlike stamp collectors. Like the postmaster issuing special stamps to mark a certain event, renowned manufacturers of small arms cater this market with the production of limited editions of certain pistols and rifles.³⁵² However, no reliable survey appears to exist, from which it might be feasible to estimate the collector's share in the total demand for small arms. The passion of collecting

³⁵² For example, Hämmerli has produced an anniversary edition of its rifles in 1988.

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arms has produced a whole library of literature.³⁵³ The sheer number of collectors in wealthy countries has helped to turn collecting guns even into a relatively safe way of storing one's wealth. For stamps and small arms alike the value increases with antiquity and singularity. But also specific former ownership of a weapon can boost the price, particularly if the weapon has been customized for the original owner.

Critical segments of the international demand are regular exports in cases where the import licenses might be falsified. Apparently, this has often been the case in the past with exports to Paraguay. However, in recent years, the export control, also for conventional weapons and small arms, is tighter. Exports from Switzerland to Venezuela have already been stopped on a unilateral basis in March 2001.³⁵⁴ On the other side, if access to small arms is easier in one country, the danger of diffusion into neighboring countries with stricter regulations is more likely. But also transfers to more distant conflicts are feasible. In the early months of the armed conflict in Bosnia, sales of 'demilitarized' (i.e. neutralized automatic feeding) automatic rifles suspiciously surged to about 5,000 in a Swiss canton where the regulations allow Swiss citizens to purchase such weapons without limits or obligatory registration. It is more than likely – and there is also some evidence on the ground – that some of the weapons sold in Switzerland ended up in Bosnia.³⁵⁵ For the time being, however, such tedious acquisition procedures are not required, since large quantities of (cheap) surplus weapons appear to be readily available on the international black market. With huge surplus stocks and production capacities inherited from the Cold War, international markets have turned into buyer's markets. Additionally, most governments are forced to exercise financial discipline and cannot any longer maintain their own national small arms production. As a result, the market for small arms factories has become more competitive.

³⁵³ H.L. Blackmore, 1965, *Guns and Rifles of the World*, London: B.T. Batsford; C. Blair, 1968, *Pistols of the World*, New York: Viking Press; John Delph, 1991, *Firearms and Tackle Memorabilia: A Collector's Guide*, Schiffer Publishing, Ltd.; E. Heer, 1971, *Geschichte und Entwicklung der Militärhandfeuerwaffen in der Schweiz, Vol. I: Die Faustfeuerwaffen von 1850 bis zur Gegenwart*, Graz: Akademische Druck- und Verlagsgesellschaft; A. Hoff, 1969, *Feuerwaffen I und II*, Braunschweig: Klinkhardt & Biermann; A. Hoff, 1977, *Windbüchsen und andere Druckluftwaffen*, Hamburg/Berlin: Paul Parey; J. Lugs, 1962, *Handfeuerwaffen*, Berlin: Deutscher Militärverlag; Martin Miller, 1978, *The Collector's Illustrated Guide to Firearms*, Barrie & Jenkins; E. Schalkhauser, 1988, *Handfeuerwaffen, Jagdgewehre, Scheibenbüchsen, Pistolen*, München: Deutscher Kunstverlag; H. Schneider, 1977, *Schweizer Waffenschmiede vom 15. bis 20. Jahrhundert*, Zürich, Orell Füssli; H. Schneider (with K. Stüber), 1980, *Waffen im Schweizerischen Landesmuseum*, Zürich: Orell Füssli, Ned Schwing, 2001, *Standard Catalog of Military Firearms 1870 to the Present: The Collector's Price & Reference Guide*, Krause Publications; Ned Schwing, 2002¹³, 2003 *Standard Catalog of Firearms: The Collector's Price & Reference Guide*, Krause Publications; L. Winant, 1959, *Early Percussion Firearms*, New York: William & Morrow.

³⁵⁴ NZZ, "Schweizer Waffenlieferung nach Venezuela untersagt," 27 March 2001.

³⁵⁵ Brian Wood and Johan Peleman, 1999, *The Arms Fixers: Controlling the Brokers and Shipping Agents*, BASIC Research Report 99.3.

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The level of small arms technology procured by the military is rather low. This reflects the fact that marginal performance improvements are of little interest in the context of today's fighting scenarios. Special intervention forces and special police squads are an exemption to this rule. Currently, price and sufficient performance appear to be the prevailing criteria in the international procurement market in the small arms segment. Since the life-cycle of standard rifles ranges between thirty and fifty years, replacement imperatives are also not likely to enliven demand for new models. As a result, real technological competition focuses on the civilian demand for small arms.

The precision engineering and techniques to produce sport weapons and customized personal weapons clearly exceed the standards required for military procurement. And it is in these fields where the Swiss producers attempt to play out the traditional excellence of the machine tool and metal working manufacturing. By doing so, they can prevail in a competitive international private market rather than in a tight military procurement abroad and at home (Lock 2001).

However, the situation is somewhat more complicated as the civilian market pays a premium for weapons used by the police. In Europe only license-free weapons like small-bore pistols have a significant market share. It appears that in the category of small caliber weapons imitations of weapons in service with the police or the military are particularly popular.³⁵⁶ Additionally, the upper market segment of the civilian market where real profits can be made is very trade-mark conscious, thus Swiss designed Tuma pistols produced in the Czech Republic had little chances so far to penetrate this market segment.

Individual small arms producing companies in Switzerland

Switzerland holds a fairly significant domestic small arms industry, which has traditionally been supported by the structure of its militia army. The major ammunition producer is Oerlikon Contraves. The company, formerly part of Oerlikon Bührle (renamed to Unaxis), is 100% owned by the German Rheinmetall and employs approximately 2,400 people (Jane's World Defence Industry, 2000). The Swiss Ammunition Enterprise (SM) and the Swiss Ordnance Enterprise (SW), both located in Thun (Canton of Berne), are important domestic producers of grenades, mortars, and machine guns. Both operate as independent companies within the state-owned RUAG Suisse Group (Military Technology, May 2000).

³⁵⁶ From a police perspective, this trend creates problems because a policeman cannot be sure with what kind of weapon he is confronted with in a hostage taking or a bank robbery for example.

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The Swiss Industrial Company (SIG) based in Neuhausen (Canton of Schaffhausen, Northern part of Switzerland), produces a wide range of pistols, rifles, and grenade launchers, including the famous Mauser and Sauer brands. In 1999, the latest replacement cycle of the standard infantry weapons in the Swiss army was concluded with the delivery of the SIG Arms assault rifles. The company has facilities in Germany (SIG Arm Sauer in Eckernförde), Switzerland, and the United States. In October 2000, the small arms division of SIG, which employs over 700 people, was sold to two private German investors.³⁵⁷

Until recently, Switzerland has had a well-developed domestic arms industry, including a number of companies producing small arms.³⁵⁸ However, two of its most important producers of small arms, SIGARMS and Oerlikon-Contraves, are now owned by foreign companies and investors. This reflects the absence of a national industrial policy to maintain and foster domestic defense capacities. Yet, the companies are continuing the tradition of German-Swiss cooperation in small arms production, while at the same time mirroring the European-wide consolidation of defense production.

The major domestic producer of small arms for the military market is the SIGARMS Group (formerly SIG Arms), which was purchased from SIG by German investors in late 2000.³⁵⁹ The 'new' SIGARMS Group has subsidiary companies and production facilities in Switzerland (SAN Swiss Arms AG, Hämmerli AG), Germany (JP Sauer & Sohn GmbH and Blaser Jagdwaffen GmbH), and the United States (SIG Arms Inc.). The company's production facilities in Switzerland will probably be closed down in the near future and production activities rationalized in Germany (at JP Sauer & Sohn in Eckernförde) and the United States (at SIG Arms Inc. in Exeter, New Hampshire). The company has about 400 employees worldwide. It produces a wide range of small arms for the military market, including pistols and rifles. It owns the trademarks for Mauser, Blaser, Hämmerli, and JP Sauer & Sohn, and will continue to use the SIG name on the P210 pistol. The SIG name will also be used in conjunction with Sauer on all SIG-Sauer handguns (e.g. P220 pistol).³⁶⁰

The SIG-Sauer 9mm P226 pistol is used by many armed forces, including the US Coast Guard, UK armed forces, and the US Federal Bureau of Investigation. More than 400,000 have been sold world-wide. The SIG 540 series rifle is officially in service in more than 20

³⁵⁷ See Agence France Press, 4 October 2000.

³⁵⁸ Information on Switzerland's small arms producers from Peter Lock, 2001, *Small Arms Production in Austria, Germany and Switzerland*, Background Paper, Geneva: Small Arms Survey.

³⁵⁹ See Agence France Press, 4 October 2000.

³⁶⁰ See <<http://www.gunnery.net>>.

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countries (including 10 in Africa). It has been produced under license in Chile, France, and Portugal.³⁶¹ The German company Rheinmetall DeTec is now in control of the ammunition section of the former SIG Arms. This reflects the European-wide consolidation of small-arms ammunition production (Lock 2001). SIGARMS also produces a wide range of weapons for the civilian market, mainly through its subsidiaries Hämmerli AG and Blaser Jagdwaffen (hunting rifles).

Table 8.1: Swiss companies involved in small arms production

Name of company	Products	Number of employees	Remarks
Rheinmetall in control of former Oerlikon-Bührle military production	M, AHS, AM, CM	10,000 (1990) 2,500 (1998)	Includes also non-small arms production of company. The contraction continues and the remaining workforce includes also civilian production.
RUAG ammunition	AM	N.A.	Joint venture with state holding
Sauer in control of former SIG military production	M	N.A.	Fast reduction of workforce
Brügger & Thomet AG Spiez	M, H, S, AM	5	Founded in 1992
Grünig & Elmiger AG Malers	H, S	N.A.	Additional production of medical and high-precision mechanical tools
Hämmerli AG Lenzburg	H, S	95	
Miltec SA Genève formerly Tavaró Technologies	C, AM	130 (1996) down from 600	Ammunition, ignition devices
Waser Mechanik AG Stans	MT	5-10	Machine tools for ammunition production
Martin Tuma Engineering	M, P	N.A.	Links to the Czech production

Key to products:

AHS = Ammunition for hunting and sport weapons
 AM = Ammunition for Military and Police weapons
 C = Components and accessories (sights etc.)
 H = Hunting weapons

M = Military and Police weapons
 MT = Machine tools
 P = Firearms for the civilian market
 S = Sport weapons

³⁶¹ See Terry Gander and Charles Cutshaw, 2001, *Jane's Infantry Weapons: 2001-2002*, Coudsdon: Jane's Information Group.

The company Brügger and Thomet is mainly involved in the production of accessories (e.g. sights) for small arms for the military and law enforcement services. It also acts as an agent for a number of foreign producers (e.g. Heckler & Koch). In 2000, it had total sales of CHF 15 million (US\$ 9.3 million). Other Swiss producers of small arms, mainly for the hunting and sporting market, include Grünig & Elmiger and Martin Tuma Engineering (Lock 2001).

The state-owned RUAG Suisse Groupe includes both the Swiss Ammunition Enterprise and the Swiss Ordnance Enterprise. It was ranked as the 50th largest arms producing company in the OECD and developing countries in 1999 (SIPRI 2001: 309). According to company information, RUAG had total sales of CHF 941 million (US\$ 584 million) and 3,843 employees in 2000. Swiss Ammunition Enterprise, which has plants in Altdorf and Thun, is the major domestic producer for small arms ammunition for both the military and civilian markets. In 2000, it had total sales of CHF 270 million (US\$ 168 million) and employed 1,092 people.³⁶²

8.3 Pro Tell takes aim

Swiss gun owners can point to a long and distinctive tradition – with roots in the armed neutrality and militia system of the military services. But unlike many countries with widespread firearms ownership, Switzerland keeps itself comparatively covered concerning firearms possession and distribution. The Swiss federal government does not keep comprehensive records on private gun ownership. Although, all Swiss private gun owners must be licensed and many cantons require firearms registration, records are only maintained at the cantonal level. There is no central database on small arms ownership that can be accessed by law enforcement agencies. The major exceptions to this rule are the small arms of the Swiss Armed Forces.

According to figures provided by the General Staff of the Swiss Armed Forces, the nation's military currently has a total of 695,000 rifles and pistols in its inventories. However, rifles and pistols that are handed over to the retired (militia) soldiers – several hundred if not thousands a year – are not included in this figure.

³⁶² See Graham & Whiteside Ltd. 2001. *The Major Companies Database* 2001. Leverett, MA: Rector Press. Additional information see <<http://www.nisat.org/database/info/country.asp?Key=166>> (Last checked March 2003).

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Table 8.2: Swiss Small Arms Stocks³⁶³

Type of Weapon	Numbers
Stgw 90 (5.6mm) rifle	450,000
Stgw 57 (7.5mm) rifle ³⁶⁴	175,000
<i>Rifle subtotal</i>	<i>625,000</i>
Pist 75 (9mm) pistol	50,000
Pist 49 (9mm) pistol	20,000
<i>Pistol subtotal</i>	<i>70,000</i>
Total	695,000

However, this list is even more incomplete, since it does not include sub-machine guns, machine guns, grenade launchers, and other typical military firearms. Those numbers remain classified. Using orthodox multipliers to estimate the number of these weapons – but not other kinds of small arms like grenades, mortars, and shoulder-fired anti-tank rockets – the country would be expected to have a total of approximately 1,040,000 military firearms in its armed forces inventory.³⁶⁵ These figures might seem high for a country with armed forces of just 4,000 full-time military personnel and 29,000 conscripts in basic training every year. In reality, most of these weapons are for the country's militia armed forces, consisting of 420,000 citizens (including 70,000 reservists) serving regularly as soldiers every other year for three weeks. The small arms for this total force of 453,000 personnel are stored in depots, unit arsenals, and under a special system of regulations in the homes of the country's militiamen.

With approximately 2.3 military-owned firearms for every man who can be called into uniform, the Swiss Armed Forces have an arsenal proportionally larger than most NATO countries – which typically have 1.3 to 2.5 firearms per soldier – but lower than most other countries relying heavily on reservist forces (in which category Switzerland also belongs to) – who typically have 3.5 or many more small arms per soldier.³⁶⁶

Another distinctive aspect of the Swiss military system is the widespread distribution of military firearms among its militiamen, who are required to keep weapons and ammunition in locked storage at home. This is a procedure used by few other countries, of which Israel is

³⁶³ Indicates actual figures supplied by the General Staff of the Swiss Armed Forces. Correspondence with the General Staff of the Swiss Armed Forces, 5 December 2001, 21 December 2001, and 1 February 2002.

³⁶⁴ These rifles are designated for liquidation.

³⁶⁵ Estimates by Small Arms Survey (2002, 78).

³⁶⁶ Examples of other countries with a similar military system with reservist forces are Norway and Israel.

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probably the best known other exception. But also Norway applies a similar procedure. Even more distinctively, Swiss militiamen are allowed to keep their small arms upon retirement from the military service. These weapons are specially marked and converted for semi-automatic fire only. Former military small arms in the hands of ex-conscripts are not included in the inventory of the Swiss Armed Forces, although records of such transfers are kept for ten years and shared with cantonal police forces.

The Swiss example shows how vital it is to include the number of militiamen and reservists when evaluating the small arms of a nation's military establishment. The total figures offer insights into a distinctive military structure. As revealing as they are, these figures do not include police weapons or privately purchased firearms. Until data on these categories is systematically collected, the total number of small arms in a particular country cannot be established. Several countries are gradually developing estimates for their civilian weapons inventories. In Switzerland, for example, a picture is emerging through a combination of official disclosures and public polling. Swiss federalism makes the total national firearm ownership difficult to ascertain.³⁶⁷ The scale of total private gun ownership in the country was estimated by a survey in 2001. It reported that 35% of all Swiss households have at least one gun.³⁶⁸ While these estimates are not sufficient to establish the total number of civilian firearms in the country, it ranks Swiss public gun ownership per capita higher than other well-armed countries like Australia and Canada, in which one out of four households has a gun, but below the United States, where over 40% of households have at least one gun.

The wide-spread distribution and possession of small arms is also mirrored in the presence of various hunting and sport shooting associations. Most of these groups are associated with "Pro Tell"³⁶⁹ an umbrella organization similar to the NRA in the United States. On its website, "Pro Tell" hosts information on the relevant gun law, has a Q&A section on specific gun issues and provides model contracts for the private resale of guns and rifles.³⁷⁰ Even though, "Pro Tell" is not so professionally organized and funded as the NRA, it plays a

³⁶⁷ Anne-Beatrice Clasmann, 2001, "Why are the Swiss armed to the teeth?" *Deutsche Presse-Agentur* 25 August 2001.

³⁶⁸ Swiss Crime Survey, 2001. Possession d'armes a feu en Suisse: Evolution et rapport de situation. Lausanne: Swiss Crime Survey.

³⁶⁹ "Pro Tell" draws its name from the legendary Willhelm Tell who – according to a popular saga – killed Reeve Gessler – symbolizing the Habsburg tyranny – to preserve the independence of the emerging Switzerland in the Middle Ages.

³⁷⁰ See "Pro Tell's" website for further information on this association in German, French and Italian: <<http://www.protell.ch>>.

similar role in Switzerland's domestic politics. It also regularly also rallies against new domestic gun legislation and also has a watchful eyes on international developments.

Its strong political power with its members and associated groups makes it possible for "Pro Tell" to collect enough signatures to ask for a referendum on a newly introduced law.³⁷¹ Already the prospect of a referendum has tremendous influence on Swiss legislation, but also on Switzerland's negotiation position in an international context. In an unrelated area to the gun-issue, this domestic-international link could clearly be seen in the protracted 'bilateral' negotiations between Switzerland and the EU in the 1990s. It was again an issue during the 'second bilateral' negotiations when the Schengen agreement with the EU also had consequences on Switzerland's domestic gun legislation. In the relations with the EU, this domestic 'hostage' situation could be used by the Swiss negotiators as a threat that they could not move more in the direction of the EU (reduced win-set). This seemingly domestic weakness could be used in the international negotiations as a strength.³⁷²

Quite conversely, this domestic situation severely weakens the international negotiation position and credibility *if* the negotiators themselves want to achieve an international agreement on an issues where they – risk to – face domestic resistance. This constellation was actually apprehended by the Swiss government when they have started to think about launching an international marking and tracing initiative in the framework of the UN small arms process. How the Swiss government has tried to reduce this risk of domestic resistance will be further analyzed in the following section.

8.4 Switzerland's activities before and during the UN Small Arms Conference

Switzerland's arms control policy was almost a 'non-event' up to the mid-90s. This low-key attitude clearly changed in the last decade. Already in the negotiations leading to the Chemical Weapons Convention and the Mine Ban Treaty, Switzerland played a more active role. In the first domain it participated to defend the interest of its own chemical and pharmaceutical industry, in the second to live up to its humanitarian tradition. In the area of small arms control, Switzerland has already started several international and domestic

³⁷¹ On the federal level in Switzerland, it is necessary to collect 50,000 signatures from Swiss citizens to call for a referendum that can block a new federal law. "Pro Tell" would even be enough powerful to collect 100,000 signatures to launch a federal initiative. The prospects, however, to also win an initiative are usually rather dim.

³⁷² See Putnam on domestic political institutions and their impact on the win-set. Robert D. Putnam, 1988, "Diplomacy and Domestic Politics: The Logic of Two-Level Games," *International Organization* 43(3), Summer, 427-460.

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activities well before the actual UN process leading to the 2001 Small Arms Conference. It was mainly active in four areas:

- Organization of workshops and conferences to foster norm creation;
- Elaboration of technical means to restrict misuse;
- Development of export criteria; and
- Support of practical disarmament and stockpile management.

Switzerland, as a highly industrialized country, mostly participates with technical contributions and know-how in arms control endeavors. To raise its leverage in international negotiation processes it highly depends on coalitions with other like-minded states – supplemented by NGOs. This was particularly true, before it joined the United Nations in fall 2002. Being outside of the European Union, Switzerland also has to build coalitions outside of Europe. To strengthen the commitment to its humanitarian tradition, Switzerland plays an active role in the Human Security Network (HSN). It hosted the second meeting of this informal group of states³⁷³ in Lucerne (May 2000).

This HSN meeting was partially inspired by the success achieved through international cooperation on the landmines campaign. The network originally grew out of a bilateral arrangement between Canada and Norway — the ‘Lysøen’ partnership of 1999. During the event in Lucerne, NGOs were also allowed to actively participate in the discussions. The informal, flexible mechanism of the network provides a framework for a range of several topics related to human security. It plays a catalytic role by bringing international attention to emerging issues. The network stresses the crucial role of NGOs as key non-state actors partners in advocating, building and implementing human security. It also addresses the challenge of engaging non-state actors, such as armed groups, in complying with international humanitarian and human rights law. Related to the small arms issue, the network issued a statement at the end of the 3rd Ministerial Meeting held in Petra, Jordan, in May 2001. On behalf of the network participants, the Jordan transmitted the statement to the Chair of the UN Small Arms Conference, Camilo Reyes.

The other main pillar of Switzerland’s small arms control activities is nourished by its technical expertise and know-how. In the run-up to the UN Small Arms Conference,

³⁷³ The Human Security Network is an informal arrangement of small states and middle powers. Even though, there are no strict rules regulating membership, as of March 2003 there are 12 active members (Austria, Canada, Chile, Greece, Ireland, Jordan, Mali, The Netherlands, Norway, Slovenia, Switzerland, Thailand) and one observer state (South Africa). <<http://humansecuritynetwork.org/members-e.php>>.

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Switzerland tried to get the domestic gun lobby and industry on board as soon as possible to reduce the reservations of these actors against new international regulations. This was an important step to build a domestic consensus in order to get international agreements easier ratified and implemented. Since the gun lobby and the industry were also involved in developing new technologies in marking and tracing of SALW, this internal networking also helped to create a platform of technical expertise. An important first workshop took place in the framework of NATO's Partnership for Peace program from 28 to 30 June 1999 and was co-organized with Germany.³⁷⁴ Relevant industrial aspects of the small arms problems were discussed and concerns by the producers brought up. The workshop was an important event for sharing information and reducing skepticism of pro-gun lobby and small arms industry.

The Swiss government applied an even broader approach when it established an informal 'Mixed Working Group on Small Arms.' The working group was organized by the Federal Department of Foreign Affairs and held its first session in August 1998. It brought together representatives from the Swiss gun lobby (Pro Tell), humanitarian and gun control NGOs, governmental representatives from the Federal Department Justice and Police and the Swiss Federal Office of Foreign Trade.³⁷⁵ At the early stage, the Federal Department of Defence was hardly involved in this group, since it was more involved with practical steps such as stockpile management and destruction of small arms.

This mixed group was considered to be a useful platform for information exchange among the different domestic actors involved in the small arms issue in Switzerland. Interestingly enough, some NGO representatives pointed out, that Switzerland, due to its own domestic legislation, may have a credibility problem when trying to address the small-arms issue at international. Government officials have taken this objection very seriously.³⁷⁶

In that sense, it is not surprising that Switzerland rather focuses on technical aspects in international fora than on questions of civilian possession of small arms. But nevertheless, it tried to get a high profile on the international small arms agenda and did not hold back its criticism of the slow progress of the development in the framework of the Conference on Disarmament (CD) in Geneva.

³⁷⁴ Swiss Department of Defence, Civil Protection and Sports, 1999, "International meeting with representatives from the defense industry," *Press Release* Bern, 24 June 1999. <<http://www.admin.ch/cp/d/3771f6fd.0@fwsrv.g.bfi.admin.ch.html>>. (Last checked March 2003).

³⁷⁵ The Federal Office of Foreign Trade belongs to the Federal Department of Economic Affairs and was reorganized and renamed to State Secretariat for Economic Affairs in July 1999. It is responsible for licensing the export of defense material and small arms.

³⁷⁶ Interviews with Swiss government official, Bern, 10 January 2001.

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The CD is the most influential and primarily responsible UN body on disarmament issues, but for many years it has been paralyzed by conflicting views on the negotiation agenda. Even though conventional weapons have been on its agenda for years, it has never established a negotiating committee that is responsible for this issue. Switzerland, a non-UN member at that time, but party to the Conference on Disarmament, has even warned the United Nations that the CD should be a leading organization in the field of disarmament again:

In our view, the Conference on Disarmament must end the phase of reorientation and deliberation and return to the path of genuine negotiations based on common political will. If it does not do so, it will quite simply run the risk of being sidestepped by the international community, which would then look for other ways to reach its objectives in the area of international security.³⁷⁷

The United Nations was criticized that it was too slow and would not be able to coordinate the different efforts of the UN subgroups and regional organizations.³⁷⁸ There was considerable displeasure by NGOs as well as Switzerland and other mid-size states, already active in banning landmines, about UN's inactivity and blockade by the great powers. In a group of like-minded states, which is larger, but partially overlaps with the HSN, Switzerland was one of the main promoters of action on small arms issues. Being aware of the multi-dimensionality of the problem, the involved states applied the concepts of division of labor and burden sharing.³⁷⁹ When division of labor and burden sharing is applied, the expected collective action problem could be dampened by the complementary contributions of the different states.³⁸⁰ In theory, the individual contributions optimally complement each other since they cannot be easily substituted due to the specific advantage and know-how of the

³⁷⁷ Swiss ambassador Erwin H. Hofer, UN General Assembly, 1st Committee, 4th meeting, October 14, 1997, New York, A/C.1/52/PV.4, p. 26). Even though, the CD is not primarily responsible for negotiation in conventional weapons this statement is symptomatic for the frustration of mid-size states that the CD is blocked by major power games. This blockade still holds in late 2003.

³⁷⁸ Paul Lansu discusses the role and activities of several regional and international organizations in a paper. Paul Lansu, 1998, *Light Weapons the Question of International Regulations, and the Role of both Global and Regional Institutions*, Brussels, November 1998.

³⁷⁹ See for a discussion of the different contributions of the members of this group Stefan Brem, 2003, "Too much too soon? NGOs and Middle Powers in Need for More Coordination on Small Arms Activities," Stefan Brem, Richard Matthew, Ken Rutherford, eds. *The Impact of NGO and Middle Power Cooperation on International Security Policy*. Westport, CT: Praeger Publishers, 39-62, esp. 49-53.

³⁸⁰ These activities and initiatives have the features of weakest link technology as described by Todd Sandler. The institutional structure is more effective when based upon a technology of public supply. Todd Sandler. *Collective Action: Theory and Application*. New York: Harvester Wheatsheaf, 1992, pp. 36-7, 95, 105-6.

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different contributors. To varying degrees, each of these states has embraced the Ottawa process of government–NGO collaboration.³⁸¹

Switzerland launched its marking and tracing initiatives quite early in the UN process on small arms. During a BASIC-sponsored seminar at the United Nations in New York on September 25, 1998, Jacob Kellenberger, the State Secretary of the Swiss Federal Department of Foreign Affairs, said that Switzerland was focusing on marking and transparency measures. Its efforts had started with identification tagging of commercial explosives, but then concentrated more on small arms and light weapons. The goal was to establish an international transparency regime that consisted of “an obligation to mark small arms; an obligation to register and declare production, stockpiling and transfer of small arms; an obligation not to import or export unmarked small arms, and, if so wished, an obligation to destroy them [i.e. the unmarked small arms].”³⁸² In 1999, Switzerland organized two workshops bringing together governmental officials and representatives from the industry, gun lobby and humanitarian NGOs to discuss marking and traceability of small arms and light weapons.³⁸³

During a workshop at the Hague Appeal for Peace conference in May 1999, Ambassador Raimund Kunz announced that Switzerland welcomed and supported a UN conference on the small arms issue. He mentioned that Switzerland would be ready to hold the Conference in Geneva in 2001.³⁸⁴ But the UN members could not agree whether to accept this offer. It was not decided until the whole process with PrepCom sessions has already started.

It was not clear whether this continued postponement was a specific tactic by other states to get a better deal out of the Swiss offer or whether it was just regular bureaucratic turf battle

³⁸¹ Lora Lumpe mentions Belgium, Canada, Japan, the Netherlands, Norway, South Africa, Sweden, and Switzerland as participants in the core group of states. Lora Lumpe, 1999, “Curbing the Proliferation of Small Arms and Light Weapons,” *Security Dialogue* 30(2) June, 152. Margherita Serafini even defines a larger group of 108 countries supporting several UN resolutions on SALW and especially on the UN conference in 2001. Serafini, Margherita. *Small Arms: The Emerging Coalition of States for the UN Conference in 2001*. Research Paper. Program on Security and Development (SAND). Monterey Institute of International Studies Monterey, California, March 2000, 5. <<http://sand.miiis.edu/research/serafini/paper.pdf>> (Last checked February 2003).

³⁸² Speech by Mr. Jakob Kellenberger, State Secretary, Ministry of Foreign Affairs, Switzerland. Presented at BASIC's Seminar International Initiatives to Stop the Spread and Unlawful Use of Small Arms, New York, September 25, 1998 (<http://sand.miiis.edu/projects/2001database/fulltext/IANSASwitzerland092598.pdf>).

³⁸³ Swiss Federal Department of Foreign Affairs, 1999, “Report on Workshop on Small Arms,” Geneva, February 18-20, 1999. Swiss Federal Department of Foreign Affairs, 1999, “Chairman’s Report on Workshop on Small Arms Monitoring and Control,” Geneva, November 22-23, 1999.

³⁸⁴ Transparency and Common Standards on Arms Transfers. Speech by Ambassador Raimund Kunz, Head of the Political Division III, Federal Department of Foreign Affairs, upon the occasion of the workshop on

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within the United Nations. Hence, the Swiss government was, in essence, offering to fund travel and support for representatives from states not already represented in Geneva, most of which were affected by the small arms problem. This would have allowed for the participation of experts from capitals, not just permanent representatives in the New York UN mission. Nevertheless, a majority of states felt they would be better represented in New York.

States not keen on widening the Conference beyond arms control and disarmament also pushed to hold it in New York, within the framework of the First Committee process. This was particularly frustrating for the involved NGOs and small-arms affected countries which hoped that the negotiations in Geneva would be more fruitful and less politically poisoned. They particularly hoped that a broader approach could be pursued. No decision could be reached on this subject during the first PrepCom session in early 2000.

In November 2000, frustrated about confusing signals from the UN headquarters and some UN members with a traditional, state-centric approach to the small arms issue, the Swiss government abandoned plans, to host the Conference in Geneva in July 2001. Officially, Switzerland put forward “financial and technical considerations,” even though it had received wide support from several NGOs to host the conference in Geneva.³⁸⁵ A true reason might have been that the Swiss government was afraid of losing the referendum on UN accession which was planned for March 2002. The pessimistic scenario was that the UN Small Arms Conference would attract much more domestic attention if it is to be held in Geneva than in New York. This would be particularly damaging if the outcome of the conference would be disappointing or if Switzerland came under pressure from the international community due to its conflicting agenda – promoting international action to control SALW trade and pursuing a liberal domestic firearms policy.

Increased transparency in Switzerland’s small arms exports

More and more, Switzerland also lives up to the standards of transparency it tries to promote on the international level. An important instrument is the annual arms export report. In February 2003, Switzerland has published its most transparent report on arms exports to date. Over the last ten years, the quality of the report has tremendously increased. Starting with a short press release in 1989 that indicated only the value of exported defense material to individual countries, the implementation of the new law on defense material in 1998 has also

„Establishing Codes of Conduct on Arms Exports“ at the Hague Appeal for Peace conference, The Hague, May 13, 1999 (<http://www.iansa.org/documents/gov/gov9.htm>).

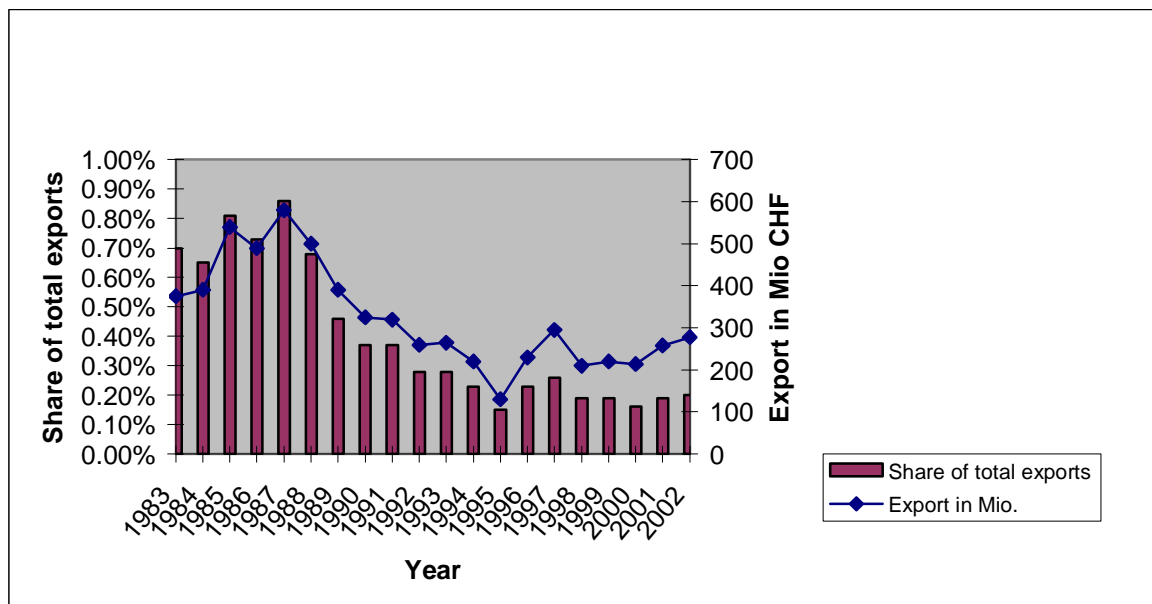
³⁸⁵ Interviews with Swiss government official, Bern, 10 January 2001, and with NGO representatives in Geneva, 18 January 2001.

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brought more transparency. The introduction of this law also meant a transfer of responsibility with regard to export control and publication of the annual reports from the Federal Department of Defence to the Federal Office of Foreign Trade within the Federal Department of Economic Affairs.

Starting in 2001, the report lists the value of arms exports by category and importing country for the precedent year. There is also a graphic showing the percentage of the value of arms export by weapons category. In 2000, handguns, for example, accounted for six percent of Swiss arms exports, small arms and light weapons other than handguns accounted for over 24% and ammunition for 22% of total value. As shown in figure 8.1, exports have tremendously declined from the peak in 1985/7 of CHF 550-580 million to less than CHF 300 million in 2002. The exports have reached their lowest point in 1995 with a value of approximately CHF 150 million. This seems to be astonishing given the fact that the Swiss Federal Department of Defence sold part of its material during this period. But the annual report does not cover (surplus) arms exported by the Swiss Federal Department of Defence or other government bodies. From time to time, this still causes some resentment by human rights and arms control NGOs, especially since the Swiss army has been tremendously downsized by manpower and material since the end of the Cold War.

Figure 8.1: Export of war material and relative share of total Swiss exports, 1983-2002



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The annual report – published in German and French – is available on the State Secretariat for Economic Affairs (*seco*) website.³⁸⁶ Swiss arms export laws and regulations are also published on this website. The report lists the value of arms exports by category and by importing country in Swiss Francs – a level of specificity matched by few countries.

The report also contains graphics listing the percentage of exports by weapons category and by importing countries. The categories are in accordance with the Swiss law on arms exports³⁸⁷ and partially coincide with the Wassenaar Arrangement's weapons classifications. For example, in the year 2002, handguns (category KM1) accounted for nearly six percent of Swiss arms exports. Small arms and light weapons other than handguns (KM2) accounted for 16 percent of Swiss arms exports, and ammunition (KM3) accounted for another 23 percent.

*Table 8.3: Top ten of recipients of Swiss war material*³⁸⁸

Country	Value of exported war material
Germany	66,754,453
Austria	33,460,476
United States	30,813,511
Ireland	22,063,503
United Kingdom	18,196,961
France	17,386,418
Sweden	16,266,938
Singapore	12,058,035
Italy	11,861,990
Romania	10,491,534

By continent, 77 percent of Swiss arms exports went to Europe, 12 percent to America,³⁸⁹ ten percent to Asia and one percent to Africa. The report also lists the value of total Swiss arms exports to each importing country. Additionally, the report from 2003 also charted for the first

³⁸⁶ *Seco* website: <<http://www.seco-admin.ch>> (Last checked March 2003). First go to “news – current events”, then to “press releases”, and then to the press release of 13 February 2003. Earlier export reports can be found by browsing in the directory.

³⁸⁷ A federal law (Kriegsmaterialgesetz, KMG, 1996) and a decree (Kriegsmaterialverordnung, KMV, 1998) regulate Swiss arms exports. The latter can be changed more easily and adapted to changing circumstances. See *seco* website “Exportkontrolle - Kriegsmaterial” to find the texts in German and French. <http://www.seco-admin.ch/seco/seco2.nsf/dieSeite/AWP_ExpKont_KM?OpenDocument&l=de&HauptRessort=4> (Last checked March 2003).

³⁸⁸ This list includes all the war material and does not only represent small arms and related components. For more information on this report see also <http://www.seco-admin.ch/seco/pm.nsf/ZeigePM_IDString/KMWH_130203>. (Last checked March 2003).

time the Swiss arms exports from 1983 to 2002 in Swiss Francs and as a share of total exports from Switzerland.

In terms of deficiencies, the report does not list the licenses granted for arms export. This means that there is little public oversight of Swiss arms exports until after the exports have already taken place. In addition, the report only covers commercial exports by private companies licensed to export through *seco*. Exports by the Swiss Federal Department of Defence and other government institutions are not reported. However, the latest reports provided vast improvements in transparency compared to previous Swiss reports, which only listed the value of total arms exports by importing country.

Launching the marking and tracing initiative

With regard to marking and tracing, some states wished to go beyond what was accomplished in the *UN Firearms Protocol* and establish a uniform and mandatory marking system for all small arms. Switzerland and France belonged to the main promoters of this idea. Particularly, Switzerland never got tired to continue its activities in the area of small arms marking and tracing. At the second PrepCom from 8 to 19 January 2001 in New York, Switzerland together with France submitted a working paper on establishing a tracing mechanism to reduce excessive accumulation and transfer of small arms and light weapons.³⁹⁰

In the run-up to the UN Conference in July 2001, Switzerland organized a workshop on marking and tracing of small arms in Geneva on 12-13 March. Along with representatives from the United Nations and other IGOs, technical experts, and committed NGOs, officials from more than 90 states participated at this workshop. The idea was to trigger the initiative on the establishment of an international mechanism to trace small arms, build a coalition around this initiative which should finally create more transparency in the international small arms trade.³⁹¹

During the actual Conference, the fate of marking and tracing measures was more critical than most other initiatives, especially for the main promoters, Switzerland and France, which had tabled a plan to establish a marking and tracing regime. This was the major and most-

³⁸⁹ In this list, the exports are not broken down on a country level. In this context, America means the whole continent and not just the United States.

³⁹⁰ Working paper by Switzerland and France on a tracing mechanism. A/Conf.192/PC/25, 10 January 2001.

³⁹¹ Chair's Summary. Franco-Swiss Workshop on Traceability of Small Arms and Light Weapons: Tracing, Marking and Record-Keeping. Geneva, 12-13 March 2001.

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developed initiative presented during the Conference to significantly help to reduce and prosecute the illicit trade in small arms.³⁹²

The concept itself was not controversial, as indicated by the strong language in support of national marking that had gone unchallenged since the first draft of the *Programme of Action* (L.4) in December 2000 as well as the already negotiated UN Firearms Protocol which covers essentially illicit non-state weapons transfer. However, the controversy initially surrounded the goal of a *universal marking system*, which disappeared early in the process.

This disagreement was followed by reservations on negotiating a legally binding instrument on marking and tracing. The Arab group, China, and the United States weighed in heavily against such plans. China had held such a view since negotiations to develop the *UN Firearms Protocol* started in the mid-1990s, and objected to negotiate a legally binding marking and tracing system at the global level. US opposition reflected a desire to see efforts to eradicate the illicit trade in small arms focused on the regional level, and, if global, placed in the criminal context exemplified by the *UN Firearms Protocol*.

The United States also opposed such a commitment as it opposed any reference to any legally binding UN disarmament action on small arms. The text that did make it into the final document urged the strengthening of “the ability of States to co-operate in identifying and tracing in a timely and reliable manner illicit small arms and light weapons.”

In the end, calls for a universal and legally binding marking standard were not included in the final text. There was only weak support for language calling for a unique, appropriate, and reliable marking on each small arm as a part of the production process. Due to concerns of states such as China and the United States as well as the successful lobby activities of the small arms industry and pro-gun NGOs, the final text only calls for a UN study on the feasibility of developing an international tracing instrument. Despite the absence of an

³⁹² France and Switzerland, 2000, Food-for-Thought Paper: Contribution to the Realisation of an International Plan of Action in the Context of the 2001 Conference: Marking, Identification and Control of Small Arms and Light Weapons. Reproduced in UN document A/CONF.192/PC/7 of 17 March 2000. <<http://disarmament.un.org/cab/smallarms/files/2001confpc7e.pdf>>; France and Switzerland, 2001, Working Paper by Switzerland and France on Establishing a Tracing Mechanism to Prevent and Reduce Excessive and Destabilizing Accumulation and Transfer of Small Arms and Light Weapons. Reproduced in UN document A/CONF.192/PC/25. 10 January 2001. <<http://disarmament.un.org/cab/smallarms/files/2001confpc25e.pdf>>; France and Switzerland, 2001, Letter dated 21 March from the Permanent Mission of France and the Permanent Observer Mission of Switzerland to the United Nations addressed to the Chairman of the Preparatory Committee, transmitting a Summary of the Franco-Swiss Seminar on the Traceability of Small Arms and Light Weapons, held in Geneva 12 to 13 March 2001. Reproduced in UN document A/CONF.192/PC/38, 23 March 2001. <<http://disarmament.un.org/cab/smallarms/files/2001confpc38e.pdf>>.

agreement on international legal instruments, the final *Programme of Action* contains a range of operational measures at the national and global levels on marking and tracing.

Even without a strong global mandate, Switzerland and France as main advocates of a marking and tracing regime, believed that this paragraph, along with a much stronger commitment³⁹³ to national action was enough to begin developing support for an international mechanism, even prior to the completion of the feasibility study called for in the follow-up section of the *Programme*.³⁹⁴

8.5 Switzerland's small arms policy after the Conference

Switzerland remained committed to the small arms issue after the 2001 UN Conference. In the transatlantic framework of NATO/PfP, it organized several regional conferences and also provided financial and technical support to several initiatives, particularly on stockpile management and surplus destruction. Beyond that, it continued to promote the idea to establish a global marking and tracing system for small arms and light weapons. During the 2001 Conference, this issue was one of the most critical problems to be addressed in the global efforts to combat the illicit trade in small arms and light weapons. The *Programme of Action* adopted by the Conference reflected this concern by recommending to the United Nations General Assembly (UNGA) “to undertake a United Nations study, within existing resources, for examining the feasibility of developing an international instrument to enable States to identify and trace in a timely and reliable manner illicit small arms and light weapons.”³⁹⁵

Accordingly, the United Nations General Assembly established the Group of Governmental Experts (GGE) on Tracing Illicit Small Arms and Light Weapons and requested

the Secretary-General to undertake a UN study, commencing during the fifty-six session of the General Assembly, within available financial resources and with any other assistance provided by States in a position to

³⁹³ “To ensure that henceforth licensed manufacturers *apply an appropriate and reliable marking* on each small arm and light weapon as an *integral part of the production process*. This marking should be unique and should identify the country of manufacture and also provide information that enables the national authorities of that country to identify the manufacturer and serial number so that the authorities concerned can identify and trace each weapon” (UNGA, 2001, A/CONF.192/15, section II, para 7). Emphasis added.

³⁹⁴ “To undertake a United Nations study, within existing resources, for examining the feasibility of developing an international instrument to enable States to identify and trace in a timely and reliable manner illicit small arms and light weapons” (UNGA, 2001, A/CONF.192/15, section IV, para 1(c)).

³⁹⁵ See Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All its Aspects, Section IV, paragraph 1(c).

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do so, and with the assistance of Governmental Experts appointed by him [the Secretary-General] on the basis of equitable geographical representation, while seeking the views of States, to examine the feasibility of developing an international instrument to enable States to identify and trace, in a timely and reliable manner, illicit small arms and light weapons and to submit the study to the General Assembly at its 58th Session.³⁹⁶

At the invitation of the Secretary-General, 23 countries appointed representatives to the GGE.³⁹⁷ The first session of the GGE was held in Geneva from 1 to 5 July 2002. The Group elected Ambassador Rakesh Sood, Permanent Representative of India to the Conference on Disarmament, as its Chairman. Switzerland appointed Stefano Toscano to the GGE.³⁹⁸ During the whole Conference and also afterwards, the Swiss delegation tried to create a coalition of committed states to broaden the initiative from a bilateral proposal to a multilateral endeavor.

At the outset of the first session, the GGE agreed on the two main guidelines that would govern its deliberations:

1. the GGE should focus on its precise mandate, and refrain, to the extent possible, from discussing other issues, which may be important in their own right, but are peripheral to the task at hand.
2. the GGE was not intended to negotiate an international instrument, but rather, was tasked with reporting on the feasibility of developing such an instrument.³⁹⁹

Given this traditional and reserved UN language, the GGE's freedom of action was quite limited. But the first session was an important platform for information exchange and coordination. During the course of this meeting, the GGE heard presentations by civil society representatives from the Quaker UN Office in Geneva, the Small Arms Survey Project, Geneva, the Group de Recherche et d'Information sur la Paix et la Sécurité (GRIP), Brussels,

³⁹⁶ See United Nations General Assembly GA resolution 56/24 V, paragraph 10.

³⁹⁷ Representatives were appointed by Brazil, Bulgaria, Canada, China, Colombia, Cuba, Egypt, France, India, Jamaica, Japan, Kenya, Mali, Mexico, the Netherlands, Nigeria, Pakistan, Russian Federation, South Africa, Switzerland, United Kingdom, United States and Thailand. See also <<http://disarmament.un.org/cab/docs/trcngexperts/Listofexperts.pdf>> (Last checked March 2003).

³⁹⁸ Stefano Toscano, a Swiss diplomat, has worked on the small arms issue for several years at the Federal Department of Foreign Affairs. He was a member of the Swiss delegation in the PrepCom sessions and the UN 2001 Small Arms Conference. There, he was a key promoter of the Swiss-French marking and tracing initiative.

³⁹⁹ Information on the Group of Governmental Experts on Tracing Illicit SALW and its progress can be found at <<http://disarmament.un.org/cab/salw-tracingexperts.html>> (Last checked March 2003).

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and Computer Science, Bern. Representatives from the governments of France and Switzerland also made presentations on their joint initiative on tracing illicit small arms.

In seeking to define the scope of its task with the necessary precision, the GGE examined the issue of definitions such as what constitutes 'illicit SALW.' What are the main components of an international tracing system, namely marking, record keeping, and international co-operation as well as information exchange, and their respective technical and political dimensions? The discussion profited from the comparison of the relevant national regulations and regional experiences. However, there was no agreement reached during the first session.

Some governmental experts, mainly from the United States, already thought that the GGE had overstretched its mandate. Others, such as Egypt, argued that the UN General Assembly would never accept a completed negotiated arrangement. Still others, primarily Switzerland, argued that they were free to propose an international instrument on marking and tracing measures and it was up to the General Assembly to decide whether it would accept it or not. They also argued that too much time had passed since the topic was first presented on the international agenda. At this stage, another report that just outlines that such an instrument is 'feasible' in principle would not be enough. The report should also outline how it could be done and propose a binding instrument and a plan how to achieve it.

Between the first and second session there have been a couple of informal meetings where a draft proposal for a binding instrument has been elaborated. This proposal will be discussed during the second session scheduled to take place from 24 to 28 March 2003 in Geneva. Before the GGE submits a final report to the 58th session of the United Nations General Assembly it will formally meet again for a third session from 2 to 6 June 2003 in New York.

As an additional measure to fulfill its commitment under the *Programme of Action*, Switzerland appointed the head of the Peace Policy and Human Security Section of the Political Division for Human Security in the Department of Foreign Affairs as a National Point of Contact (PoC).⁴⁰⁰ He is responsible for the coordination of the Swiss activities in the framework of the *Programme*, but also for the information sharing with other PoCs.

In other areas, Switzerland continued and strengthened its financial support for the Geneva-based Small Arms Survey. This research group has launched its first yearbook during the 2001 UN Small Arms Conference. The yearbook and other publications as well as the online

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database are important means to enhance international transparency and sharing information on small arms issues.⁴⁰¹ During the UN Small Arms Conference, the yearbook has already been tagged the ‘SIPRI yearbook for small arms.’ Given the general lack of information from other sources, this praise is certainly merited, but there is still more room for improvement, particularly with regard to data on official and illicit small arms transfers.

At the beginning of 2002, the Small Arms Survey started a research project to evaluate the possibilities and consequences of a small arms tracing mechanism. The Swiss and French governments financially supported this study as a follow-up contribution to their joint marking and tracing initiative. Preliminary results of this study have been presented during the first session of the GGE.⁴⁰² The study highlighted difficulties in three key areas impeding the establishment of an effective system – marking, record-keeping and tracing arrangements – and sketched out the necessary steps to establish such a system.⁴⁰³

From 7 to 8 February 2002, 36 experts from national governments, research institutes, NGOs and the United Nations met in the context of the Geneva Forum⁴⁰⁴ to discuss further steps to facilitate the implementation of the *Programme of Action* and compile an overview of the ongoing small arms initiatives. Switzerland chaired a working group which compared different small arms documents (such as UN *Programme of Action*, 1999 OSCE Document, Firearms Protocol) with regard to their compatibility and to establish best practice procedures.⁴⁰⁵ Sharing information on experiences related to the prevention of illicit small arms trade, with a particular reference to organized crime, was another key point on the agenda.

Switzerland also continued its efforts in the framework of the Partnership for Peace program to establish standards for small arms stockpile management. In a follow-up workshop organized by the Swiss Ministry of Defense, Switzerland has invited military experts to a

⁴⁰⁰ The *Programme of Action* asks the countries in several paragraphs to establish national points of contacts to coordinate action related to the implementation of the *Programme*. See UN Document 2001, A/CONF.192/15, Part II, para. 4, 5, 24.

⁴⁰¹ See the Small Arms Survey’s website (<http://www.smallarmssurvey.org/>) for further information.

⁴⁰² A summary of the preliminary findings on the SAS-UNIDIR project presented to the GGE can be found <<http://disarmament.un.org/cab/docs/trcngexperts/sasspeech.pdf>>. (Last checked March 2003).

⁴⁰³ Owen Green et al., 2003, *The Scope and Implications of a Tracing Mechanism for Small Arms and Light Weapons*, UNIDIR and Small Arms Survey: Geneva.

⁴⁰⁴ See the Geneva Forum’s website (<http://www.geneva-forum.org/>) for further information.

⁴⁰⁵ The Geneva Forum: Summary Report, 7-8 February 2002. <<http://www.unidir.ch/pdf/activites/pdf2-act197.pdf>> (Last checked March 2003).

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training seminar on the control and management of small arms.⁴⁰⁶ Participants welcomed the course's practical approach that was based on easily implementable tools. There was an explicit interest in standards in the field of collection and destruction as well as stockpile management.

In general, the *Programme of Action* had no direct consequences on Swiss domestic legislation concerning small arms. The federal law on war material, introduced in December 1996, already covers most of the relevant issues mentioned in the *Programme*.⁴⁰⁷ This law goes much beyond the narrow term of small arms and light weapons. It covers weapons, weapons systems, ammunition and military explosives as well as equipment specifically modified for the conduct of combat. Also the ordinance on war material from February 1998 is more comprehensive than the agreed measures of the *Programme of Action*. It particularly lists export criteria for war material. Export authorizations must be based on the following considerations:

- Maintenance of peace, international security and regional stability;
- Situation in the country of destination, especially with regards to the respect of human rights and renunciation of child soldiers;
- Swiss efforts in the area of development cooperation;
- Attitude of the destination country towards the international community, in particular with regard to the respect of international law; and
- Attitude of other members of international export control regimes with regards to possible export authorization.⁴⁰⁸

To establish a list of export criteria was hotly debated during the UN Small Arms Conference. But there was no explicit link made to human rights and international law. The paragraph on transfers to non-state actors was even completely cancelled in the final *Programme of Action*. The export criteria in the updated Swiss ordinance on war material from November 2001 are much more restrictive. Export authorization for transfers to non-state actors, i.e. other than

⁴⁰⁶ International Training Course on the Management of SALW, 16-28 June 2002, Speaking notes <<http://www.vbs-ddps.ch/internet/groupgst/de/home/peace/rustungskontrolle/kleinwaffen/aktivit.Par.0009.DownloadFile.tmp/Speaking%20Notes%20für%20AdHoc%20WG%20on%20results%20TC.050702.doc>> (Last checked March 2003).

⁴⁰⁷ An unofficial translation of the Swiss Federal Law on War Material (LWM) is provided by the State Secretariat for Economic Affairs <[http://www.seco-admin.ch/seco/seco2.nsf/Atts/AWP_ExpKont_ExpKontRecht/\\$file/Law13_12_96.pdf](http://www.seco-admin.ch/seco/seco2.nsf/Atts/AWP_ExpKont_ExpKontRecht/$file/Law13_12_96.pdf)> (Last checked March 2003).

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foreign governments and duly authorized entities, is only granted if the exporter is in the possession of end-user certificate from the importing country.⁴⁰⁹

The authorization mechanism of the Law on War Material regulates export, import, domestic purchase, production, transfer and re-export and certain aspects of possession.⁴¹⁰ However, armament companies belonging to the Swiss government and those related to war material acquisition for the Swiss Army are exempted from these regulations. The manufacture, purchase, sale, brokerage or any other form of trade of war material must be recorded in registers. The documents have to be stored for at least ten years. The central Office of the Public Ministry, which is part of the federal police, is responsible for the prevention of illegal transactions of war material. However, since the constitutional structure of Switzerland does not leave much power and competences to the federal police, efficient law enforcement is quite difficult in this area.

But it is fair to say that Switzerland has already implemented a lot of items that are part of the *Programme of Action* and has actually incorporated some goals of the ‘wish list’ in its small arms policy that were not included in the *Programme*. Taking into account that the 2001 UN Conference was rather the beginning of a whole process and the continued commitment of a group of like-minded states, the efforts to tackle the small arms problems will remain on the international agenda – and also a key foreign and security policy issue of Switzerland as a prominent middle power – for some time.

⁴⁰⁸ An unofficial translation of the Ordinance of 25 February 1998 on War Material (OWM) can be found on [http://www.seco-admin.ch/seco/seco2.nsf/Atts/AWP_ExpKont_ExpKontRecht/\\$file/Law25_2_98.pdf](http://www.seco-admin.ch/seco/seco2.nsf/Atts/AWP_ExpKont_ExpKontRecht/$file/Law25_2_98.pdf) (Last checked March 2003). However, modifications from November 2001 are not considered.

⁴⁰⁹ Ordinance on War Material, Article 5a. Modification made to the ordinance in November 2001. http://www.admin.ch/ch/d/sr/514_511/a5a.htm (Last checked March 2003).

⁴¹⁰ Law on War Material, Article 2. Main aspects of civilian possession of firearms are regulated by the federal law on weapons, weapon parts and ammunition which is in force since January 1999. http://www.admin.ch/ch/d/sr/c514_54.html (Last checked March 2003). Currently, this law is under complete revision, but has not been approved by March 2003.

9 CONCLUSIONS

*It was not the aim to negotiate a treaty on small arms, but to achieve a global political consensus on a program of action that describes the problem and identifies various national, regional and global measures to alleviate it. There will be no treaty to be signed or ratified.*⁴¹¹

—Jayantha Dhanapala, United Nations,
Under-Secretary-General for Disarmament Affairs,
July 2001.

Do middle powers and NGOs matter in framing an international action framework for small arms control? The evidence provided in the empirical part of this thesis gives both mixed and yet affirmative answers. That NGOs can have an impact was particularly clear in the case of domestic US NGOs, but not necessarily in the direction pro-regulation NGOs would have expected it. Yet, the influence of the NRA helps to explain both the US position during the international negotiations and also the actual outcome of the UN Conference.

But where do we stand and where will we go to in international security policy in general and in small arms control in particular? Which role can middle powers and NGOs play in the future? Are they pushed to the sidelines and will their impact be diminished in a unipolar world dominated by one superpower or will they find a niche to shape international affairs? It is not only a question of size, power and characteristics of the actors. Also the nature of their interaction determines international affairs. Cooperation is needed more than ever, and the role of middle powers as ‘honest brokers’ and NGOs as ‘good social conscience’ are real assets in the current international security debate.

To further elaborate on these questions, this concluding chapter will – by summarizing the key findings – assess 1) the outcome of the UN Small Arms Conference, 2) the impact of the

⁴¹¹ Letter to the Editor of The Washington Times from Jayantha Dhanapala, Under-Secretary-General for Disarmament Affairs, United Nations, July 2001. <<http://disarmament.un.org/cab/smallarms/letter.html>>.

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NGOs and private companies in negotiating the *Programme of Action*, as well as 3) the role of the United States and 4) Switzerland during the UN small arms negotiations in 2001. Furthermore, I will evaluate the conditions for successful NGO-middle power cooperation and develop scenarios for the future role of middle power and NGOs. I will conclude with some thoughts on directions for further research.

Summary of findings

The Conference and its aftermath

Starting with the admission by the UN Under-Secretary-General for Disarmament Affairs, Jayantha Dhanapala, that it was not the aim of the conference to negotiate a treaty on small arms – or even a ban of them as some of the pro-gun lobby groups insinuated – but to “achieve a global political consensus on a program of action that describes the problem and identifies various national, regional and global measures to alleviate it”⁴¹² the stated goal can certainly be considered as fulfilled.

The UN Small Arms Conference was important for at least three reasons:

- First, it generated an international debate on the small arms issue and forced states to go on record with their views on the causes and consequences of the problem, as well as on the action they supported. Those governments and NGOs preparing to take the issue forward now have a much better idea of which countries might be part of any coalition of ‘like-minded states’ that could provide leadership.
- Second, the Conference generated two weeks of high-level international media attention and as such raised awareness of the various dimensions of the small arms issue.
- Third, the Conference helped to build partnerships amongst civil society groups, and between NGOs and government delegations. These partnerships will be crucial for future efforts to address the different dimensions of the small arms issue.

There is reason to assume that the follow-up meetings and conferences – as long as they are held under the auspices of the same forum, will see the same arguments raised again by the same delegations with the same narrow national security and arms control focus. As long as

⁴¹² Letter to the Editor of The Washington Times from Jayantha Dhanapala, Under-Secretary-General for Disarmament Affairs, United Nations, July 2001. <<http://disarmament.un.org/cab/smallarms/letter.html>>.

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they are no clear priorities set, the usual set of issues will be debated, mainly among governmental arms control experts, without resolution, and with NGOs and international organizations very much on the margins. The marking and tracing initiative might be an important exception of this margins. What has been the impact of the NGOs and private companies during the negotiation process and on the national governments of the United States and Switzerland in particular?

The role of the NGOs: IANSA and the pro-gun lobbies

In general, NGOs appear to have exercised their influence in at least four different ways:

- by raising the level of awareness and expertise that states can bring to the negotiating table;
- by broadening the stakeholder base at the domestic and international level;
- by pushing governments to develop policies where none existed before; and
- by exerting pressure through ‘naming and shaming’ to make governments shift their national small arms policies.

The relatively broad nature of IANSA as the leading umbrella network in the SALW campaign is a direct result of the different interests and orientations of the various stakeholders. This wide approach has both advantages and disadvantages: It provides the opportunity to launch a large number of different policy initiatives. Its strength stems from the mobilization capacities of some large NGOs that have not hitherto devoted a great deal of attention to ‘security’ issues – with the exception of the landmines campaign.

However, these groups had to establish an explicit link between light weapons and conflict as well as to the group’s core mandate. This shift or partial reorientation sometimes also caused frictions within these NGOs since resources had to be reallocated away from their core competence. The NGOs associated with IANSA also framed the issue of small arms and light weapons in a slightly different way. The different ways of framing the problem generated very different visions and agendas for international action. As a consequence, those various agendas affected the effectiveness of the coalition to achieve a coherent strategy and, ultimately, common objectives.

Ultimately, IANSA was dependent on large, resource-rich and established NGOs (such as Saferworld, BASIC, International Alert, Federation of American Scientists, Amnesty International, Human Rights Watch, World Council of Churches, Oxfam and others) to steer the debate and establish a policy framework. As a counter-move, those NGOs were very reluctant to give IANSA too much power, resources and – ultimately – leadership.

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Whether IANSA will have a similar impact as the ICBL in the landmine case remains to be seen. It is rather doubtful – given the complex and multi-faceted structure of the problem and the opposition from influential weapons producers and pro-gun lobbyists – however, that it will share ICBL's fate in helping to establish a legally binding treaty to regulate small-arms trade or to even ban their use.⁴¹³ Yet, to profit from its huge reservoir of expertise and know-how, IANSA needs to further streamline and prioritize its campaign goals and closely coordinate its activities with interested like-minded states.

Even though the 2001 UN Conference could not meet the high own expectations of the broad network of NGOs and committed governments, this movement is far from dead. The Ottawa process was also born out of frustration with the permanent blockade in the UN negotiating framework.

Perhaps ironically, the clearest case of NGO influence was the impact of the National Rifle Association (NRA) and various other groups from the US firearms lobby on the US position at the UN Conference. US Congressman Bob Barr (Rep, GA), a member of the NRA Board of Directors, was part of the official US delegation to the Conference. The US position on civilian possession of firearms was clearly linked to the importance of these domestic lobby groups for the Bush administration. The NRA presence during the Conference was a clear watchdog function rather than active influence. The US delegation has already incorporated NRA's position before the start of the Conference. The small arms industry was also present during the Conference and made its influence felt primarily through the lobby activity of the NRA and the World Forum on the Future of Sport Shooting Activities.

The role of the United States

It is obvious that the United States was the most powerful player before and during the UN Small Arms Conference. Even though it has a very active small arms policy and supports various regional activities, particularly in South America and Africa it was very uncompromising and firm during the actual negotiations. From the very beginning, it announced several reservations, but was most aggressive in trying to delete the language on the civilian possession of small arms and the small arms transfer to non-state actors from the *Programme of Action*. It also raised other 'red flags' with regard to definition of small arms, scope of the Conference, constraints on legal trade and legal manufacturing, promotion of international advocacy activity by IOs or NGOs as well as follow-up and review process.

⁴¹³ Stefan Brem and Ken Rutherford, 2001, "Walking Together or Divided Agenda? Comparing Landmines and Small-Arms Campaigns," *Security Dialogue* 32(2), 169-186, esp. 181-3.

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Some of the items have also been included in the original 'red list' to trade them in at a very late stage in the Conference to at least give the impression that the US government would also be interested in a negotiated *Programme of Action*. The establishment of a review process – however very weak and without additional resources and institutionalization – was such a tradable good, while a compromise on the civilian possession of small arms and the small arms transfer to non-state actors was absolutely taboo.

The US position was heavily influenced by the domestic gun lobby (both SALW producers and owners). The US government not only shared – in principle – the view of the NRA, but also included a member of the NRA Board of Directors in its conference delegation. He could report back from the closed negotiation sessions to the accredited lobby groups whether the United Nations was in violation of the Conference mandate and whether the US delegations actively waved their red flags to prevent language that was in violation of the supporters' interest.

Even though the United States continues to pursue an active small arms policy – similar to its engagements against landmines without signing the Ottawa treaty – it almost seems to be 'fearful' of UN dominance, but especially of additional binding rules and financial commitments.

The role of Switzerland

The situation of Switzerland in the run-up to and during the Conference was much more complicated than that of the United States. Similarly to the United States it has also a very active small arms policy. Contrarily, it tried to play a much more active role in the negotiation process itself – without the backing or even against a strong domestic constituency. The domestic constituency – "Pro Tell" – is certainly not as professional organized as the US counterpart – the NRA – but the political system in Switzerland gave them additional weight that had to be factored in before launching an international marking and tracing initiative.

Actually, the Swiss government was quite successful in preparing the domestic turf by organizing roundtables where it invited representatives from different interest groups. It brought together representatives from the Swiss gun lobby, humanitarian and gun control NGOs, governmental representatives from the Federal Department Justice and Police and the Swiss Federal Office of Foreign Trade. It has provided useful platform for information exchange among the different domestic actors. It also allowed to reduce reservations by the gun lobby and the industry against new international regulations. The inclusion of the small arms industry and engineers also nourished the Swiss initiative with additional technical

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expertise and know-how. This was particularly useful for the development of new technologies in marking and tracing of SALW.

This preparation was the main reason why Switzerland has presented the most advanced and specific proposal during the Small Arms Conference. To launch the international initiative on marking and tracing of SALW it also effectively created a partnership with France – a powerful and influential EU country and permanent member of the UN Security Council.

Despite the absence of an agreement on international legal instruments, Switzerland used the call in the *Programme of Action* for a UN study on the feasibility of developing an international tracing instrument – along with a much stronger commitment to national action – to strengthen its activities in establishing an international marking and tracing mechanism, even prior to the completion of the feasibility study.

Conditions for successful NGO-middle power cooperation

How can these findings and the outcome of the Conference be explained and generalized? In the introductory chapter I have identified the intuition that middle powers are entering creative partnerships with coalitions of non-state actors. Those partnership can have a significant impact on international affairs.

Yet, in the case of small arms and light weapons I would argue that we are rather at the beginning of a long process and that the necessary relationship still has to be built and strengthened – even though in some areas there is already a sound cooperation. It would be therefore too early to write off this emerging cooperation between like-minded middle-powers and committed NGOs. When we compare the process of coalition-building in the realm of small arms with other areas of international security affairs we can identify conditions under which a successful partnership is more likely to emerge. The following factors are the most relevant in this respect; each is supplemented with a specific comment relevant to the small arms issue:

- Negotiations and cooperation are easier if there is a shared understanding of the problem: This is a very crucial starting point. It seems that there is still a lack of common understanding of the problem – both within the involved NGOs who are actively lobbying for more regulations as well as with the ‘like-minded’ states.
- State-NGO campaigns are more successful when they focus on a very specific problem: This seems to be the core problem of IANSA. It has still far too many objectives and goals that weaken a coherent and prioritized strategy. Its broad approach distinguishes IANSA both from the much more successful ICBL which focused on the *ban*

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of antipersonnel landmines, but also from the various pro-gun lobby groups who fights basically any activities aimed at restricting their access to small arms.

- It is important to provide a frame for the issue that draws out its humanitarian, environmental, or other dimensions so that a connection can be fostered to an existing transnational activist community: This frame is actually given by the establishment of IANSA. But as has been described above, the network lacks the necessary focus and priorities. It seems that there is a converted U-turn relationship where the linkages with too many dimensions can actually inhibit successful lobby activities.
- It is also crucial to attract key middle states that have sufficient international status to ensure that the issue moves to the treaty negotiation phase: Some of the NGOs have actually engaged with key middle states and started to foster working partnerships. In some cases, the countries seem even more active in this relationship. The inclusion of NGOs in the national delegations during the UN Small Arms Conference has certainly helped to build trust between the middle powers and the NGOs and to strengthen their partnership. This collaboration could also successfully prolonged in the actual marking and tracing negotiation after the 2001 Conference.
- The prospects for successful cooperation can be improved by widening participation to states beyond the immediate core group of committed middle powers: Already Switzerland's partnering with France was testimony of this enhancing factor. A further widening of the core group seems only be advisable if the other conditions mentioned above (in particular a shared understanding and focused approach to the problem) are met.
- NGOs receive legitimacy from international organizations such as the United Nations by, for example, providing credible, independent, first hand knowledge of a subject: This mutual support has existed from the beginning of the process. The pro-regulation NGOs as well as the United Nations have expressed their reciprocal respect and have worked closely together. The United Nations has in particular appreciated the NGO's active support and research capacities.
- Using a non-traditional framework for negotiation may be very useful, but in these situations it may be just as important to find a way to later embed the agreement in an established institutional framework that can facilitate implementation: At this rather early stage, compared with for example the landmine ban process, the negotiations will still remain for the foreseeable future within the UN framework. Raising frustration by those actors – both governments and NGOs – who want to see more progress might lead to a creation of a non-traditional negotiation framework. As long as there is no shared understanding within a larger than the current core group of like-minded countries and a lack of clear priorities and objectives a non-traditional framework would neither change the substance nor the outcome of the negotiations.

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As can be seen from this research, most of the conditions are not (yet) met. It would have been rather astonishing, if the NGO-middle power cooperation, with Switzerland as an important representative of this group, had achieved more in tackling the small arms problem. It remains to be seen in the future, whether this partnership will have more success when the general setting is more benevolent. In the meantime, it is up to the actors involved to engage in productive activities to tackle the small arms problem more on a practical level as long as the strategic level seems to be blocked.

Future role of middle powers and NGOs in arms control

As this study has shown, state-NGO cooperation is not always easy but increasingly important in international security affairs. Committed middle powers and NGOs have urged the international community to recognize the problems of uncontrolled small arms trade during the UN Small Arms Conference in 2001. But can they do more than that? Success would have been impossible in negotiating the landmine ban treaty and establishing the International Criminal Court.

It seems that private actors and NGOs not only can bring security issues on the public and political agenda, but that they can also make important contributions – even in the realm of weapons of mass destruction (WMD). Probably the most prominent, yet underestimated privately organized and partially publicly funded endeavors are the *Green Cross International* and the *Nuclear Threat Initiative*.

The first was founded by former Soviet President Mikhail Gorbachev in 1993. It is a non-governmental, non-profit organization that builds on the ideas of sustainable development and safe environment of the 1992 Earth Summit in Rio de Janeiro. It conducts programs to build trust of local population in the former Soviet Union where the destruction of chemical weapons stockpiles is planned, and to facilitate destruction process safe for public health and the environment. Furthermore, it promotes base clean-up and conversion as well as the environmentally sound destruction of weapon inventories. Finally, it studies the effect of the military use of radioactive substances on the environment and on public health and advocates clean-up priorities. These programs are mainly financed by the Swiss and Swedish governments and receive additional funding by other governments and private foundations.⁴¹⁴

The other private group active in promoting and supporting the reduction of WMD threats is the Nuclear Threat Initiative, co-founded by Ted Turner and former Senator Sam Nunn,

⁴¹⁴ Information on the Green Cross International can be found at <http://www.gci.ch/>.

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established in January 2001.⁴¹⁵ In the first year of operation, the group has spent roughly \$37 million on projects such as securing nuclear material storages in Russia, helping to create a revolving fund to respond quickly to infectious disease outbreaks and, most prominently, moving highly enriched uranium from a poorly guarded research reactor in Belgrade to a safer site in Russia in the summer of 2002.

The accomplishment of the 'Project Sapphire,' that transferred 100 pounds of weapons-grade uranium from an aging nuclear reactor, was severely in jeopardy until the group provided additional money to close the deal. A congressional directive, that strictly limits the use of money dedicated to nonproliferation efforts, forced the US State Department to raise alternative funding.⁴¹⁶ In the end, the US government only had to pay \$2 million for transportation and related expenses. Almost \$5 million were provided by the Nuclear Threat Initiative to clean up the reactor site and keep the scientists employed in alternative research programs.

But since the original investment by the CNN founder Ted Turner has been made in AOL Time Warner stocks (\$50 million a year for the next five years), it is not sure whether the group can actually finance disarmament and awareness programs as generously as planned.⁴¹⁷ In early October 2002, Warren E. Buffet, second wealthiest man of the United States and owner of the investment company Berkshire Hathaway, announced to contribute additional \$2.5 million over the next five years. Former senator Sam Nunn hopes that Buffet's involvement with the initiative would not only be valuable in further fund-raising activities, but also in persuading pharmaceutical and biotech companies that it is worth investing in research and development efforts that rely on skills of former Soviet scientists.⁴¹⁸ This would support the efforts started in the former Soviet Union by the United States and other donor countries to ensure that scientists with deadly know-how in the WMD production can be employed on civilian research projects.⁴¹⁹

⁴¹⁵ Vernon Loeb, „Turner, Nunn Unveil ‚Nuclear Threat Initiative‘,“ *Washington Post*, 9 January 2001, A18. Information on the Nuclear Threat Initiative can be found at <http://www.nti.org/>.

⁴¹⁶ Joby Warrick, „Risky Stash of Uranium Secured,“ *Washington Post*, 23 August 2002, A01.

⁴¹⁷ For the year 2002 it was planned to spend \$30 million and \$25 million in 2003. Between January 2001 and October 2002 the stock declined by 77.9%.

⁴¹⁸ Judith Miller, „Warren Buffet Moves to Help Group Trying to Reduce Nuclear and Biological Threats,“ *New York Times*, 4 October 2002.

⁴¹⁹ Thomas Bernauer, Stefan Brem, and Roy Suter, „The Denuclearization of Ukraine,“ in Thomas Bernauer, and Dieter Ruloff (eds.). *The Politics of Positive Incentives in Arms Control*. Columbia, SC: University of South Carolina Press, 1999, 111 – 156, esp. 131.

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These two privately initiated programs clearly highlight the ability and potential of organizations created by individuals (or groups) in areas previously reserved for states. But it also shows the problems related with private initiatives: They are more vulnerable to an economic decline or stagnation than states which receive and can (re-)distribute regular tax revenues. It is also dangerous that nonproliferation efforts and disarmament programs is dependent on the goodwill of private donors who can easily switch to another, more publicity prone topic. Well funded, long-term oriented and diligently conducted programs by private actors can only supplement public efforts by nation states which still bear the principal responsibility in international security affairs.

Directions for further research

This thesis concludes with suggestions for two broad directions for future research. The first follows directly from what I have done in this study. It strongly suggests that the political dynamics of middle power / NGO cooperation can help to explain much of what is going on in international security policy. Further research into these processes and their effects on the security environment is therefore called for. Under which conditions can middle power / NGO cooperation emerge and when are they successful? Evidence suggests that the end of the Cold War boosted the number and activities of NGOs. Also the willingness of like-minded middle powers to use the expertise and credibility of NGOs has generally increased. However, cooperation was only successful in a couple of cases and was able to reach the original goals of the campaign – as in the case of the landmine ban. In others, it seems that there is still a long way to go – maybe because the process just has started, as in the case of small arms. In this particular case, also structural factors – as described earlier in this concluding chapter – may reduce – at least in the short term – the effectiveness of the middle power / NGO cooperation.

Further insights could be gained by including other cases from the security area (e.g., role of private industry and NGOs in reducing the chemical and biological weapons threats) or by broadening the focus to other research areas (environment, human rights, trade). In doing so, patterns of cooperation and conditions for success could be analyzed and compared across different fields and actors.

The second direction recognizes that the current use of the term NGOs is too crude and unsystematic. On the one hand, the term has to be more differentiated and structured. On the other hand, it has to be demystified as something that only represents the ‘good world’ of civil society versus the ‘bad world’ of nation states. Additionally, the analytical focus has to be

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expanded to other actors of the private sphere. In such an expanded analytical framework non-state actors like private business and industry (also private military companies in the realm of security studies), NGOs that are not primarily considered as part of the 'good' civil societies (National Rifle Association in the gun control discussion), rebel and guerilla groups and even terrorists have to be included.⁴²⁰

This enlargement creates new possibilities of partnerships between public and private actors. On the one hand, the small arms producing and exporting industry can be included to mark and keep records of their weapons or banks as well as insurance and shipping companies can be encouraged to cooperate with law enforcement in tackling illicit activities.⁴²¹ On the other hand, terrorists or other violent non-state actors can be excluded by freezing their financial assets. The private sector has a comparative advantage that governments sometimes lack. They can reach people in areas and domains where governments sometimes have no access or control.

⁴²⁰ George E. Shambaugh, *Statecraft and Non-State Actors in an Age of Globalization*, Paper prepared for the International Studies Association Annual Conference, New Orleans, LA, 24 – 27 March 2002.

⁴²¹ In 2001, the Fund for Peace, a Washington-based NGO, has issued a report (*Expanding the Net: A Model Convention on Arms Brokering*) and a model convention on arms brokering (*Model Convention on the Registration of Arms Brokers and the Suppression of Unlicensed Arms Brokering*). They also include recommendations on how banks, insurance companies and arms manufacturers can prevent unlawful small arms transfers. In a broader context on the role of insurance companies see also Virginia Haufler, 1997, *Dangerous Commerce: Insurance and the Management of International Risk*, Ithaca and London: Cornell University Press.

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Appendix: Programme of Action

Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects

(UN Document A/CONF.192/15)

I. Preamble

1. We, the States participating in the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, having met in New York from 9 to 20 July 2001,
2. *Gravely concerned* about the illicit manufacture, transfer and circulation of small arms and light weapons and their excessive accumulation and uncontrolled spread in many regions of the world, which have a wide range of humanitarian and socio-economic consequences and pose a serious threat to peace, reconciliation, safety, security, stability and sustainable development at the individual, local, national, regional and international levels,
3. *Concerned also* by the implications that poverty and underdevelopment may have for the illicit trade in small arms and light weapons in all its aspects,
4. *Determined* to reduce the human suffering caused by the illicit trade in small arms and light weapons in all its aspects and to enhance the respect for life and the dignity of the human person through the promotion of a culture of peace,
5. *Recognizing* that the illicit trade in small arms and light weapons in all its aspects sustains conflicts, exacerbates violence, contributes to the displacement of civilians, undermines respect for international humanitarian law, impedes the provision of humanitarian assistance to victims of armed conflict and fuels crime and terrorism,
6. *Gravely concerned* about its devastating consequences on children, many of whom are victims of armed conflict or are forced to become child soldiers, as well as the negative impact on women and the elderly, and in this context, taking into account the special session of the United Nations General Assembly on children,
7. *Concerned also* about the close link between terrorism, organized crime, trafficking in drugs and precious minerals and the illicit trade in small arms and light weapons, and stressing the urgency of international efforts and cooperation aimed at combating this trade simultaneously from both a supply and demand perspective,
8. *Reaffirming* our respect for and commitment to international law and the purposes and principles enshrined in the Charter of the United Nations, including the sovereign equality of States, territorial integrity, the peaceful resolution of international disputes, non-intervention and non-interference in the internal affairs of States,
9. *Reaffirming* the inherent right to individual or collective self-defence in accordance with Article 51 of the Charter of the United Nations,
10. *Reaffirming also* the right of each State to manufacture, import and retain small arms and light weapons for its self-defence and security needs, as well as for its capacity to participate in peacekeeping operations in accordance with the Charter of the United Nations,
11. *Reaffirming* the right of self-determination of all peoples, taking into account the particular situation of peoples under colonial or other forms of alien domination or foreign

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occupation, and recognizing the right of peoples to take legitimate action in accordance with the Charter of the United Nations to realize their inalienable right of self-determination. This shall not be construed as authorizing or encouraging any action that would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States conducting themselves in compliance with the principle of equal rights and self-determination of peoples,

12. *Recalling* the obligations of States to fully comply with arms embargoes decided by the United Nations Security Council in accordance with the Charter of the United Nations,

13. *Believing* that Governments bear the primary responsibility for preventing, combating and eradicating the illicit trade in small arms and light weapons in all its aspects and, accordingly, should intensify their efforts to define the problems associated with such trade and find ways of resolving them,

14. *Stressing* the urgent necessity for international cooperation and assistance, including financial and technical assistance, as appropriate, to support and facilitate efforts at the local, national, regional and global levels to prevent, combat and eradicate the illicit trade in small arms and light weapons in all its aspects,

15. *Recognizing* that the international community has a duty to deal with this issue, and acknowledging that the challenge posed by the illicit trade in small arms and light weapons in all its aspects is multi-faceted and involves, inter alia, security, conflict prevention and resolution, crime prevention, humanitarian, health and development dimensions,

16. *Recognizing also* the important contribution of civil society, including non-governmental organizations and industry in, inter alia, assisting Governments to prevent, combat and eradicate the illicit trade in small arms and light weapons in all its aspects,

17. *Recognizing further* that these efforts are without prejudice to the priorities accorded to nuclear disarmament, weapons of mass destruction and conventional disarmament,

18. *Welcoming* the efforts being undertaken at the global, regional, subregional, national and local levels to address the illicit trade in small arms and light weapons in all its aspects, and desiring to build upon them, taking into account the characteristics, scope and magnitude of the problem in each State or region,

19. *Recalling* the Millennium Declaration and also welcoming ongoing initiatives in the context of the United Nations to address the problem of the illicit trade in small arms and light weapons in all its aspects,

20. *Recognizing* that the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime, establishes standards and procedures that complement and reinforce efforts to prevent, combat and eradicate the illicit trade in small arms and light weapons in all its aspects,

21. *Convinced* of the need for a global commitment to a comprehensive approach to promote, at the global, regional, subregional, national and local levels, the prevention, reduction and eradication of the illicit trade in small arms and light weapons in all its aspects as a contribution to international peace and security,

22. *Resolve* therefore to prevent, combat and eradicate the illicit trade in small arms and light weapons in all its aspects by:

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- (a) Strengthening or developing agreed norms and measures at the global, regional and national levels that would reinforce and further coordinate efforts to prevent, combat and eradicate the illicit trade in small arms and light weapons in all its aspects;
- (b) Developing and implementing agreed international measures to prevent, combat and eradicate illicit manufacturing of and trafficking in small arms and light weapons;
- (c) Placing particular emphasis on the regions of the world where conflicts come to an end and where serious problems with the excessive and destabilizing accumulation of small arms and light weapons have to be dealt with urgently;
- (d) Mobilizing the political will throughout the international community to prevent and combat illicit transfers and manufacturing of small arms and light weapons in all their aspects, to cooperate towards these ends and to raise awareness of the character and seriousness of the interrelated problems associated with the illicit manufacturing of and trafficking in these weapons;
- (e) Promoting responsible action by States with a view to preventing the illicit export, import, transit and retransfer of small arms and light weapons.

II. Preventing, combating and eradicating the illicit trade in small arms and light weapons in all its aspects

1. We, the States participating in this Conference, bearing in mind the different situations, capacities and priorities of States and regions, undertake the following measures to prevent, combat and eradicate the illicit trade in small arms and light weapons in all its aspects:

At the national level

- 2. To put in place, where they do not exist, adequate laws, regulations and administrative procedures to exercise effective control over the production of small arms and light weapons within their areas of jurisdiction and over the export, import, transit or retransfer of such weapons, in order to prevent illegal manufacture of and illicit trafficking in small arms and light weapons, or their diversion to unauthorized recipients.
- 3. To adopt and implement, in the States that have not already done so, the necessary legislative or other measures to establish as criminal offences under their domestic law the illegal manufacture, possession, stockpiling and trade of small arms and light weapons within their areas of jurisdiction, in order to ensure that those engaged in such activities can be prosecuted under appropriate national penal codes.
- 4. To establish, or designate as appropriate, national coordination agencies or bodies and institutional infrastructure responsible for policy guidance, research and monitoring of efforts to prevent, combat and eradicate the illicit trade in small arms and light weapons in all its aspects. This should include aspects of the illicit manufacture, control, trafficking, circulation, brokering and trade, as well as tracing, finance, collection and destruction of small arms and light weapons.
- 5. To establish or designate, as appropriate, a national point of contact to act as liaison between States on matters relating to the implementation of the Programme of Action.
- 6. To identify, where applicable, groups and individuals engaged in the illegal manufacture, trade, stockpiling, transfer, possession, as well as financing for acquisition, of illicit small arms and light weapons, and take action under appropriate national law against such groups and individuals.

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7. To ensure that henceforth licensed manufacturers apply an appropriate and reliable marking on each small arm and light weapon as an integral part of the production process. This marking should be unique and should identify the country of manufacture and also provide information that enables the national authorities of that country to identify the manufacturer and serial number so that the authorities concerned can identify and trace each weapon.
8. To adopt where they do not exist and enforce, all the necessary measures to prevent the manufacture, stockpiling, transfer and possession of any unmarked or inadequately marked small arms and light weapons.
9. To ensure that comprehensive and accurate records are kept for as long as possible on the manufacture, holding and transfer of small arms and light weapons under their jurisdiction. These records should be organized and maintained in such a way as to ensure that accurate information can be promptly retrieved and collated by competent national authorities.
10. To ensure responsibility for all small arms and light weapons held and issued by the State and effective measures for tracing such weapons.
11. To assess applications for export authorizations according to strict national regulations and procedures that cover all small arms and light weapons and are consistent with the existing responsibilities of States under relevant international law, taking into account in particular the risk of diversion of these weapons into the illegal trade. Likewise, to establish or maintain an effective national system of export and import licensing or authorization, as well as measures on international transit, for the transfer of all small arms and light weapons, with a view to combating the illicit trade in small arms and light weapons.
12. To put in place and implement adequate laws, regulations and administrative procedures to ensure the effective control over the export and transit of small arms and light weapons, including the use of authenticated end-user certificates and effective legal and enforcement measures.
13. To make every effort, in accordance with national laws and practices, without prejudice to the right of States to re-export small arms and light weapons that they have previously imported, to notify the original exporting State in accordance with their bilateral agreements before the retransfer of those weapons.
14. To develop adequate national legislation or administrative procedures regulating the activities of those who engage in small arms and light weapons brokering. This legislation or procedures should include measures such as registration of brokers, licensing or authorization of brokering transactions as well as the appropriate penalties for all illicit brokering activities performed within the State's jurisdiction and control.
15. To take appropriate measures, including all legal or administrative means, against any activity that violates a United Nations Security Council arms embargo in accordance with the Charter of the United Nations.
16. To ensure that all confiscated, seized or collected small arms and light weapons are destroyed, subject to any legal constraints associated with the preparation of criminal prosecutions, unless another form of disposition or use has been officially authorized and provided that such weapons have been duly marked and registered.
17. To ensure, subject to the respective constitutional and legal systems of States, that the armed forces, police or any other body authorized to hold small arms and light weapons

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establish adequate and detailed standards and procedures relating to the management and security of their stocks of these weapons. These standards and procedures should, inter alia, relate to: appropriate locations for stockpiles; physical security measures; control of access to stocks; inventory management and accounting control; staff training; security, accounting and control of small arms and light weapons held or transported by operational units or authorized personnel; and procedures and sanctions in the event of thefts or loss.

18. To regularly review, as appropriate, subject to the respective constitutional and legal systems of States, the stocks of small arms and light weapons held by armed forces, police and other authorized bodies and to ensure that such stocks declared by competent national authorities to be surplus to requirements are clearly identified, that programmes for the responsible disposal, preferably through destruction, of such stocks are established and implemented and that such stocks are adequately safeguarded until disposal.

19. To destroy surplus small arms and light weapons designated for destruction, taking into account, inter alia, the report of the Secretary-General of the United Nations on methods of destruction of small arms, light weapons, ammunition and explosives (S/2000/1092) of 15 November 2000.

20. To develop and implement, including in conflict and post-conflict situations, public awareness and confidence-building programmes on the problems and consequences of the illicit trade in small arms and light weapons in all its aspects, including, where appropriate, the public destruction of surplus weapons and the voluntary surrender of small arms and light weapons, if possible, in cooperation with civil society and non-governmental organizations, with a view to eradicating the illicit trade in small arms and light weapons.

21. To develop and implement, where possible, effective disarmament, demobilization and reintegration programmes, including the effective collection, control, storage and destruction of small arms and light weapons, particularly in post-conflict situations, unless another form of disposition or use has been duly authorized and such weapons have been marked and the alternate form of disposition or use has been recorded, and to include, where applicable, specific provisions for these programmes in peace agreements.

22. To address the special needs of children affected by armed conflict, in particular the reunification with their family, their reintegration into civil society, and their appropriate rehabilitation.

23. To make public national laws, regulations and procedures that impact on the prevention, combating and eradicating of the illicit trade in small arms and light weapons in all its aspects and to submit, on a voluntary basis, to relevant regional and international organizations and in accordance with their national practices, information on, inter alia, (a) small arms and light weapons confiscated or destroyed within their jurisdiction; and (b) other relevant information such as illicit trade routes and techniques of acquisition that can contribute to the eradication of the illicit trade in small arms and light weapons in all its aspects.

At the regional level

24. To establish or designate, as appropriate, a point of contact within subregional and regional organizations to act as liaison on matters relating to the implementation of the Programme of Action.

25. To encourage negotiations, where appropriate, with the aim of concluding relevant legally binding instruments aimed at preventing, combating and eradicating the illicit trade in

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small arms and light weapons in all its aspects, and where they do exist to ratify and fully implement them.

26. To encourage the strengthening and establishing, where appropriate and as agreed by the States concerned, of moratoria or similar initiatives in affected regions or subregions on the transfer and manufacture of small arms and light weapons, and/or regional action programmes to prevent, combat and eradicate the illicit trade in small arms and light weapons in all its aspects, and to respect such moratoria, similar initiatives, and/or action programmes and cooperate with the States concerned in the implementation thereof, including through technical assistance and other measures.

27. To establish, where appropriate, subregional or regional mechanisms, in particular trans-border customs cooperation and networks for information-sharing among law enforcement, border and customs control agencies, with a view to preventing, combating and eradicating the illicit trade in small arms and light weapons across borders.

28. To encourage, where needed, regional and subregional action on illicit trade in small arms and light weapons in all its aspects in order to, as appropriate, introduce, adhere, implement or strengthen relevant laws, regulations and administrative procedures.

29. To encourage States to promote safe, effective stockpile management and security, in particular physical security measures, for small arms and light weapons, and to implement, where appropriate, regional and subregional mechanisms in this regard.

30. To support, where appropriate, national disarmament, demobilization and reintegration programmes, particularly in post-conflict situations, with special reference to the measures agreed upon in paragraphs 28 to 31 of this section.

31. To encourage regions to develop, where appropriate and on a voluntary basis, measures to enhance transparency with a view to combating the illicit trade in small arms and light weapons in all its aspects.

At the global level

32. To cooperate with the United Nations system to ensure the effective implementation of arms embargoes decided by the United Nations Security Council in accordance with the Charter of the United Nations.

33. To request the Secretary-General of the United Nations, within existing resources, through the Department for Disarmament Affairs, to collate and circulate data and information provided by States on a voluntary basis and including national reports, on implementation by those States of the Programme of Action.

34. To encourage, particularly in post-conflict situations, the disarmament and demobilization of ex-combatants and their subsequent reintegration into civilian life, including providing support for the effective disposition, as stipulated in paragraph 17 of this section, of collected small arms and light weapons.

35. To encourage the United Nations Security Council to consider, on a case-by-case basis, the inclusion, where applicable, of relevant provisions for disarmament, demobilization and reintegration in the mandates and budgets of peacekeeping operations.

36. To strengthen the ability of States to cooperate in identifying and tracing in a timely and reliable manner illicit small arms and light weapons.

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37. To encourage States and the World Customs Organization, as well as other relevant organizations, to enhance cooperation with the International Criminal Police Organization (Interpol) to identify those groups and individuals engaged in the illicit trade in small arms and light weapons in all its aspects in order to allow national authorities to proceed against them in accordance with their national laws.

38. To encourage States to consider ratifying or acceding to international legal instruments against terrorism and transnational organized crime.

39. To develop common understandings of the basic issues and the scope of the problems related to illicit brokering in small arms and light weapons with a view to preventing, combating and eradicating the activities of those engaged in such brokering.

40. To encourage the relevant international and regional organizations and States to facilitate the appropriate cooperation of civil society, including non-governmental organizations, in activities related to the prevention, combat and eradication of the illicit trade in small arms and light weapons in all its aspects, in view of the important role that civil society plays in this area.

41. To promote dialogue and a culture of peace by encouraging, as appropriate, education and public awareness programmes on the problems of the illicit trade in small arms and light weapons in all its aspects, involving all sectors of society.

III. Implementation, international cooperation and assistance

1. We, the States participating in the Conference, recognize that the primary responsibility for solving the problems associated with the illicit trade in small arms and light weapons in all its aspects falls on all States. We also recognize that States need close international cooperation to prevent, combat and eradicate this illicit trade.

2. States undertake to cooperate and to ensure coordination, complementarity and synergy in efforts to deal with the illicit trade in small arms and light weapons in all its aspects at the global, regional, subregional and national levels and to encourage the establishment and strengthening of cooperation and partnerships at all levels among international and intergovernmental organizations and civil society, including non-governmental organizations and international financial institutions.

3. States and appropriate international and regional organizations in a position to do so should, upon request of the relevant authorities, seriously consider rendering assistance, including technical and financial assistance where needed, such as small arms funds, to support the implementation of the measures to prevent, combat and eradicate the illicit trade in small arms and light weapons in all its aspects as contained in the Programme of Action.

4. States and international and regional organizations should, upon request by the affected States, consider assisting and promoting conflict prevention. Where requested by the parties concerned, in accordance with the principles of the Charter of the United Nations, States and international and regional organizations should consider promotion and assistance of the pursuit of negotiated solutions to conflicts, including by addressing their root causes.

5. States and international and regional organizations should, where appropriate, cooperate, develop and strengthen partnerships to share resources and information on the illicit trade in small arms and light weapons in all its aspects.

6. With a view to facilitating implementation of the Programme of Action, States and international and regional organizations should seriously consider assisting interested States,

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upon request, in building capacities in areas including the development of appropriate legislation and regulations, law enforcement, tracing and marking, stockpile management and security, destruction of small arms and light weapons and the collection and exchange of information.

7. States should, as appropriate, enhance cooperation, the exchange of experience and training among competent officials, including customs, police, intelligence and arms control officials, at the national, regional and global levels in order to combat the illicit trade in small arms and light weapons in all its aspects.

8. Regional and international programmes for specialist training on small arms stockpile management and security should be developed. Upon request, States and appropriate international or regional organizations in a position to do so should support these programmes. The United Nations, within existing resources, and other appropriate international or regional organizations should consider developing capacity for training in this area.

9. States are encouraged to use and support, as appropriate, including by providing relevant information on the illicit trade in small arms and light weapons, Interpol's International Weapons and Explosives Tracking System database or any other relevant database that may be developed for this purpose.

10. States are encouraged to consider international cooperation and assistance to examine technologies that would improve the tracing and detection of illicit trade in small arms and light weapons, as well as measures to facilitate the transfer of such technologies.

11. States undertake to cooperate with each other, including on the basis of the relevant existing global and regional legally binding instruments as well as other agreements and arrangements, and, where appropriate, with relevant international, regional and intergovernmental organizations, in tracing illicit small arms and light weapons, in particular by strengthening mechanisms based on the exchange of relevant information.

12. States are encouraged to exchange information on a voluntary basis on their national marking systems on small arms and light weapons.

13. States are encouraged, subject to their national practices, to enhance, according to their respective constitutional and legal systems, mutual legal assistance and other forms of cooperation in order to assist investigations and prosecutions in relation to the illicit trade in small arms and light weapons in all its aspects.

14. Upon request, States and appropriate international or regional organizations in a position to do so should provide assistance in the destruction or other responsible disposal of surplus stocks or unmarked or inadequately marked small arms and light weapons.

15. Upon request, States and appropriate international or regional organizations in a position to do so should provide assistance to combat the illicit trade in small arms and light weapons linked to drug trafficking, transnational organized crime and terrorism.

16. Particularly in post-conflict situations, and where appropriate, the relevant regional and international organizations should support, within existing resources, appropriate programmes related to the disarmament, demobilization and reintegration of ex-combatants.

17. With regard to those situations, States should make, as appropriate, greater efforts to address problems related to human and sustainable development, taking into account existing

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and future social and developmental activities, and should fully respect the rights of the States concerned to establish priorities in their development programmes.

18. States, regional and subregional and international organizations, research centres, health and medical institutions, the United Nations system, international financial institutions and civil society are urged, as appropriate, to develop and support action-oriented research aimed at facilitating greater awareness and better understanding of the nature and scope of the problems associated with the illicit trade in small arms and light weapons in all its aspects.

IV. Follow-up to the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects

1. We, the States participating in the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, recommend to the General Assembly the following agreed steps to be undertaken for the effective follow-up of the Conference:

- (a) To convene a conference no later than 2006 to review progress made in the implementation of the Programme of Action, the date and venue to be decided at the fifty-eighth session of the General Assembly;
- (b) To convene a meeting of States on a biennial basis to consider the national, regional and global implementation of the Programme of Action;
- (c) To undertake a United Nations study, within existing resources, for examining the feasibility of developing an international instrument to enable States to identify and trace in a timely and reliable manner illicit small arms and light weapons;
- (d) To consider further steps to enhance international cooperation in preventing, combating and eradicating illicit brokering in small arms and light weapons.

2. Finally, we, the States participating in the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects:

- (a) Encourage the United Nations and other appropriate international and regional organizations to undertake initiatives to promote the implementation of the Programme of Action;
- (b) Also encourage all initiatives to mobilize resources and expertise to promote the implementation of the Programme of Action and to provide assistance to States in their implementation of the Programme of Action;
- (c) Further encourage non-governmental organizations and civil society to engage, as appropriate, in all aspects of international, regional, subregional and national efforts to implement the present Programme of Action.

Source: <http://disarmament.un.org/cab/poa.html>

United States of America
**The United Nations Conference on the Illicit Trade in Small Arms and
Light Weapons in All Its Aspects 9-20 July 2001**

Statement

by

John R. Bolton

Under Secretary of State for
Arms Control and International Security Affairs
New York, July 9, 2001

Excellencies and distinguished colleagues, it is my honor and privilege to present United States views at this United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All its Aspects.

The abstract goals and objectives of this Conference are laudable. Attacking the global illicit trade in small arms and light weapons (SA/LW) is an important initiative which the international community should, indeed must, address because of its wide ranging effects. The illicit trade in SA/LW can be used to exacerbate conflict, threaten civilian populations in regions of conflict, endanger the work of peacekeeping forces and humanitarian aid workers, and greatly complicate the hard work of economically and politically rebuilding war-torn societies. Alleviating these problems is in all of our interest.

Small arms and light weapons, in our understanding, are the strictly military arms – automatic rifles, machine guns, shoulder-fired missile and rocket systems, light mortars – that are contributing to continued violence and suffering in regions of conflict around the world. We separate these military arms from firearms such as hunting rifles and pistols, which are commonly owned and used by citizens in many countries. As U.S. Attorney General John Ashcroft has said, “just as the First and Fourth Amendments secure individual rights of speech and security respectively, the Second Amendment protects an individual right to keep and bear arms.” The United States believes that the responsible use of firearms is a legitimate aspect of national life. Like many countries, the United States has a cultural tradition of hunting and sport shooting. We, therefore, do not begin with the presumption that all small arms and light weapons are the same or that they are all problematic. It is the illicit trade in military small arms and light weapons that we are gathered here to address and that should properly concern us.

The United States goes to great lengths to ensure that small arms and light weapons transferred under our jurisdiction are done so with the utmost responsibility. The transfer of all military articles of U.S. origin are subject to extremely rigorous procedures under the U.S. Arms Export Control Act and International Traffic in Arms Regulations. All U.S. exports of defense articles and services, including small arms and light weapons, must be approved by the Department of State. Assurances must be given by the importing country that arms will be used in a manner consistent with our criteria for arms exports: they must not contribute to regional instability, arms races, terrorism, proliferation, or violations of human rights. Arms of U.S. origin cannot be retransferred without approval by the United States. To ensure that arms are delivered to legitimate end-users, our government rigorously monitors arms transfers, investigating suspicious activity and acting quickly to curtail exports to those recipients who do not meet our strict criteria for responsible use. In the past five years, the United States has conducted thousands of end-use checks, interdicted thousands of illicit arms shipments at U.S. ports of exit, and cut-off exports entirely to five countries due to their failure to properly manage U.S. origin defense articles.

Appendix: US Statement during UN Small Arms Conference

All commercial exporters of arms in the United States must be registered as brokers and submit each transaction for government licensing approval. Our brokering law is comprehensive, extending over citizens and foreign nationals in the United States, and also U.S. citizens operating abroad.

Believing that it is in our interest to stem the illicit trade in military arms, the United States has avidly promoted and supported such international activities as the Wassenaar Arrangement and the UN Register of Conventional Arms. Bilaterally, we offer our financial and technical assistance all over the world to mitigate the illicit trade in SA/LW. We have worked with countries to develop national legislation to regulate exports and imports of arms, and to better enforce their laws. We have provided training, technical assistance, and funds to improve border security and curb arms smuggling in many areas of the world where this problem is rampant. And in the past year, we have instituted a program to assist countries in conflict-prone regions to secure or destroy excess and illicit stocks of small arms and light weapons.

We are proud of our record, and would hope that the Program of Action would encourage all nations to adopt similar practices. Our practical experience with these problems reflects our view of how best to prevent the illicit trade in SA/LW. Our focus is on addressing the problem where it is most acute and the risks are highest: regions of conflict and instability. We strongly support measures in the draft Program of Action calling for effective export and import controls, restraint in trade to regions of conflict, observance and enforcement of UNSC embargoes, strict regulation of arms brokers, transparency in exports, and improving security of arms stockpiles and destruction of excess. These measures, taken together, form the core of a regime that, if accepted by all countries, would greatly mitigate the problems we all have gathered here to address.

There are, however, aspects of the draft Program of Action that we cannot support. Some activities inscribed in the Program are beyond the scope of what is appropriate for international action and should remain issues-for national lawmakers in member states. Other proposals divert our attention from practical, effective measures to attack the problem of the illicit trade in SA/LW where it is most needed. This diffusion of focus is, indeed, the Program's chief defect, mixing together as it does legitimate areas for international cooperation and action and areas that are properly left to decisions made through the exercise of popular sovereignty by participating governments:

- We do not support measures that would constrain legal trade and legal manufacturing of small arms and light weapons. The vast majority of arms transfers in the world are routine and not problematic. Each member state of the United Nations has the right to manufacture and export arms for purposes of national defense. Diversions of the legal arms trade that become “illicit” are best dealt with through effective export controls. To label all manufacturing and trade as “part of the problem” is inaccurate and counterproductive. Accordingly, we would ask that language in Section II, paragraph 4 be changed to establish the principle of legitimacy of the legal trade, manufacturing and possession of small arms and light weapons, and acknowledge countries that already have in place adequate laws, regulations and procedures over the manufacture, stockpiling, transfer and possession of small arms and light weapons.
- We do not support the promotion of international advocacy activity by international or non-governmental organizations, particularly when those political or policy views advocated are not consistent with the views of all member states. What individual governments do in this regard is for them to decide, but we do not regard the international governmental support of particular political viewpoints to be consistent

with democratic principles. Accordingly, the provisions of the draft Program that contemplate such activity should be modified or eliminated.

- We do not support measures that prohibit civilian possession of small arms. This is outside the mandate for this Conference set forth in UNGA Resolution 54/54V. We agree with the recommendation of the 1999 UN Panel of Governmental Experts that laws and procedures governing the possession of small arms by civilians are properly left to individual member states. The United States will not join consensus on a final document that contains measures abrogating the Constitutional right to bear arms. We request that Section II, para 20, which refers to restrictions on the civilian possession of arms to be eliminated from the Program of Action, and that other provisions which purport to require national regulation of the lawful possession of firearms such as Section II, paras 7 and 10 be modified to confine their reach to illicit international activities.
- We do not support measures limiting trade in SA/LW solely to governments. This proposal, we believe, is both conceptually and practically flawed. It is so broad that in the absence of a clear definition of small arms and light weapons, it could be construed as outlawing legitimate international trade in all firearms. Violent non-state groups at whom this proposal is presumably aimed are unlikely to obtain arms through authorized channels. Many of them continue to receive arms despite being subject to legally-binding UNSC embargoes. Perhaps most important, this proposal would preclude assistance to an oppressed non-state group defending itself from a genocidal government. Distinctions between governments and non-governments are irrelevant in determining responsible and irresponsible end-users of arms.
- The United States also will not support a mandatory Review Conference, as outlined in Section IV, which serves only to institutionalize and bureaucratize this process. We would prefer that meetings to review progress on the implementation of the Program of Action be decided by member states as needed, responding not to an arbitrary timetable, but specific problems faced in addressing the illicit trade in small arms and light weapons. Neither will we, at this time, commit to begin negotiations and reach agreement on any legally binding instruments, the feasibility and necessity of which may be in question and in need of review over time.

Through its national practices, laws, and assistance programs, through its diplomatic engagement in all regions of the world, the United States has demonstrated its commitment to countering the illicit trade in small arms and light weapons. During the next two weeks, we will work cooperatively with all member states to develop a final document which is legitimate, practical, effective, and which can be accepted by all nations. As we work toward this goal over the next two weeks, we must keep in mind those suffering in the regions of the world where help is most desperately needed and for whom the success of this Conference is most crucial.

Source: <http://disarmament.un.org/cab/smallarms/statements/usE.html>

Switzerland

The United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects 9-20 July 2001

Statement

by

Ambassador Raimund Kunz

Head of Delegation Swiss Federal Department of Foreign Affairs

New York, 11 July 2001

Mr. President,

At the outset, my delegation wishes to welcome Ambassador Camilo Reyes of Columbia as Chair of the Conference and to assure him of our full cooperation and support. We would also like to commend you, Ambassador Donowaki, on your continued engagement in the field of small arms and your contribution to this Conference.

Mr. President

We all know very well the reasons why we are gathered here:

More than 550 million small arms and light weapons are now circulating around the world and their production ranges wider every year. Small arms and light weapons are widely obtainable, cheap, easy to use and to transport, and lethal. They cause 500,000 deaths per year and up to double-digit percent losses in annual GDPs.

These are, indeed, indicators of a problem which is spreading rapidly beyond control, which imperils human security and development as well as humanitarian efforts in many zones, and to which nobody is immune.

It is therefore imperative that we find solutions and that we act upon.

The issues on which we must concentrate are proliferation and misuse of small arms and light weapons. To tackle the problem in an efficient and credible way, the following measures should be taken at different levels:

- Regulating legal activities, such as production, stockpiling, and transfer of small arms and light weapons, since licit and illicit activities are closely linked;
- tracing, marking, and record-keeping;
- reinforcing and consistently applying export criteria;
- combating illicit brokering;
- improving stockpile management and security;
- identifying and eliminating weapons surpluses;
- reducing arms through disarmament, demobilization and reintegration programs;
- enhancing transparency.

The nature and scope of these measures demand international co-operation and assistance, both of them are indispensable to ensure efficient implementation.

Mister President,

Appendix: Swiss Statement during UN Small Arms Conference

This Conference provides us with a unique opportunity to address these points and to take necessary action. To be sure, this Conference is not going to adopt binding norms and measures for immediate use.

However, the Conference must adopt a programme of action that acknowledges the complexity of the problem and identifies what needs to be done in order to deal with it in a comprehensive and sustainable way, and with the urgency that it deserves. It must also provide for follow-up mechanisms for implementation and review, as well as timelines. And, last but not least, the Conference should add a global component to what has so far largely been a national and regional-based undertaking. To be sure, certain aspects of the problem are and will remain nation- and region-specific. Others, however, like brokering or tracing, are global in nature and require global action.

We have now before us a draft programme of action – document L.4/Rev.1 – which, if looked at from the perspective just mentioned, seems not too far away from where we should be going. We wish to take this opportunity to thank the Chair of the Preparatory Committee, Ambassador Dos Santos, for his excellent work.

Mister President,

Switzerland has been making substantial contributions to the preparation of the Conference. It has held seminars and contributed to deeper knowledge on topics like tracing and marking arms, global criteria for exports, and management and security of arms stocks. Finally, the publication of the Small Arms Survey in Geneva has given us a tool to improve transparency in the small arms sector. We are particularly happy about the timely launch of its first edition.

Tracing, marking and record-keeping are among those elements of the programme of action to which we attach particular importance. As you know, France and Switzerland have launched an initiative on this subject. Its prime aim is to establish a tracing mechanism enabling States to identify and trace small arms and light weapons that contribute to proliferation and illicit trade. Let me take this opportunity to re-state that it is not the objective of this initiative to make possible comprehensive monitoring of the legal sources and flows of small arms. In any future negotiations on this matter, it will be important to clarify the circumstances in which a State that is concerned about certain small arms has a right to expect co-operation in its efforts to trace them. Let me also stress that preventive measures such as marking and record-keeping will remain a national prerogative.

Switzerland also attaches great importance to the implementation of the programme of action, which should not be allowed to remain merely fine words. Implementation is crucial and must be tackled promptly by the community of nations in co-operation with the United Nations, regional organizations and NGOs.

We hope that the Geneva-based “Small Arms Survey” and its network of partners will be instrumental in this context.

To conclude, Mr. President,

The Conference should aim at adopting a meaningful programme of action to raise awareness, to mobilize political will and resources, and to draw a road map for concrete action at various levels. This is a great opportunity for all of us to turn words into deeds. Let's not waste it.

Thank you, Mr. President

Source: <http://disarmament.un.org/cab/smallarms/statements/swissE.html>

Curriculum Vitae

Stefan M. Brem

Stefan M. Brem was born on 26 June 1972 in Schlieren, Zurich (Switzerland) and is citizen of Rudolfstetten/Friedlisberg, Aargau (Switzerland).

Stefan Brem graduated from high school in Urdorf in 1991 (*Kantonsschule Limmattal*). In fall 1992, Stefan Brem enrolled at the Faculty of Arts of the University of Zurich in History, Political Sciences, Constitutional and International Law. In summer 1999 he received a Masters Degree (Lizentiat) from the University of Zurich.

Between 1995 and 2000 Stefan Brem worked as a research and teaching assistant with Proff. Thomas Bernauer and Dieter Ruloff at the Institute of Political Science at the University of Zurich and the Center for International Relations (CIS) at Swiss Federal Institute of Technology, Zurich. From fall 2000 to fall 2001 he was visiting researcher at Georgetown University's Department of Government in Washington, DC. In fall 2001, he returned to the Institute of Political Science at the University of Zurich and has worked as an assistant with Prof. Dieter Ruloff, where he was responsible for his own lecture on arms control, teaching *Proseminars* to undergraduate students, students' support, and other research projects. Since March 2003, Stefan Brem works with Switzerland's Department of Foreign Affairs. He defended his Ph.D. thesis in April 2003.